THE MASSACHUSETTS RESOLUTIONS ON THE SUMNER ASSAULT, AND THE SLAVERY ISSUE.

SPEECHES OF SENATORS

BUTLER, EVANS, AND HUNTER,

DELIVERED

IN THE SENATE OF THE UNITED STATES.

June 12, 1856.

Hon. A. P. BUTLER addressed the Senate as follows:

Mr. President: The occasion and the subject upon which I am about to address the Senate of the United States, at this time, have been brought about by events over which I have had no control, and could have had none—events which have grown out of the commencement of a controversy for which the Senator from Massachusetts (not now in his seat) [Mr. SUMNER] should be held exclusively responsible to his country and his God. He has delivered a speech the most extraordinary that has ever had utterance in any deliberative body recognizing the sanctions of law and decency. When it was delivered I was not here; and if I had been present, what I should have done it would be perfectly idle for me now to say; because no one can substitute the deliberations of a subsequent period for such as might have influenced him at another time and under different circumstances. My impression now is that, if I had been present, I should have asked the Senator, before he finished some of the paragraphs personally applicable to myself, to pause; and if he had gone on, I would have demanded of him, the next morning, that he should review that speech, and retract or modify it, so as to bring it within the sphere of parliamentary propriety. If he had refused this, what I would have done I cannot say; yet I can say that I would not have submitted to it. But what mode of redress I should have resorted to, I cannot tell.

I wish I had been here. I would have at least assumed, as I ought to have done on my responsibility as a Senator, and on my responsibility as a representative of South Carolina, all the consequences, let them lead where they might; but instead of that, the speech has involved his own friends, and his own colleague. It has involved my friends. It has involved one of them to such an extent that, at this time, he has been obliged to put his fortune and his life at stake. And, sir, if the consequences which are likely to flow from that speech hereafter shall end in blood and violence, that Senator should be prepared to repent in sackcloth and ashes.

Now, I pronounce a judgment on that speech which will be adopted by the public. I am as certain as I am speaking that it is now condemned by the public mind, and by posterity it will be consigned to infamy, for the mischievous consequences which have flowed from it already, and such as are likely yet to disturb the peace and repose of the country.

I said nothing, Mr. President, at any period of my life—much less did I say anything in the course of the debate to which the Senator from Massachusetts purports to have made a reply—that could have called for, much less have justified, the gross personal abuse, traduction, and calumny, to which he has resorted.

When I was at my little farm, enjoying myself quietly, and as I thought had taken refuge from the strifes and contentions of the Senate, and of politics, a message was brought to me that my kinsman had been involved in a difficulty on my account. It was so vague that I did not know how to account for it. I was far from any telegraphic communication. I did not wait five minutes before I left home to put myself within the reach of such information—and garbled even that was—as was accessible. I traveled four days continuously to Washington; and when I arrived I found the very subject under discussion which had given me so much anxiety; and it has been a source of the deepest concern to my feelings ever since I heard of it, on many accounts—on account of my country, and on account of the honor and the safety of my kinsman. When I arrived here, I found the subject under discussion. I went to the Senate worn down by travel; and I then gave notice that, when the resolutions from Massachusetts should be presented, I would speak to them, as coming from a Commonwealth whose history, and whose lessons of history, had inspired me with the very highest admiration — I would speak to them from a respect to a Com-

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monwealth, whilst, perhaps, the Senator who had been the cause of their introduction ought not to deserve my notice, and would not have received it.

Well, sir, days passed, and those resolutions were not presented. Now, they have been presented, and presented in a different way from any that I have ever known to be submitted from any Commonwealth before. They were not presented by one of its Senators, but were sent directly to the President of the Senate, and the Speaker of the House of Representatives. I waited for some time with the expectation that, when these resolutions should come, I would acquit myself of the painful task which circumstances had devolved upon me. They did not come until yesterday—more than two weeks after their adoption.

In the mean time — on Monday last — I gave notice that I would address the Senate to-day, under the confident belief, not that the present Senator [Mr. WILSON] would be here—because I have nothing to do with him—but that the Senator who has been the aggressor, the criminal aggressor, in this matter, would be present; and if I give credence to the testimony of Dr. Boyle, I see no reason why he should not be present. For anything that appears in that testimony, if he had been an officer of the Army, and had not appeared the next day on the battle-field, he would have deserved to be cashiered.

In proceeding with his preliminary remarks, he expresses his surprise that the Senator from Massachusetts should have aimed his assaults at him [Mr. BUTLER] individually and at South Carolina, and continues:

Now, sir, I proceed to make my points; and I shall show that what the Senator said of myself, and South Carolina, was not in response to anything which I said; that he has gone outside the record to bring into the debate matters which did not legitimately belong to it by association or connection.

I will maintain these three propositions so certainly that, in my opinion, there will not be one mind here, unless it be disposed to morally perjure itself, which will not acquiesce in them. I will show that his remarks upon me and South Carolina were untrue and unjust; the language used was licentious; the spirit which prompted it was aggressive; and the whole tenor and tone of the speech was malignant and insulting.

In no speech which I have made during this session did I name Massachusetts or South Carolina. This is a most remarkable thing considering the nature of the debate. I have culled what I said, and I have not introduced South Carolina by name into the debate, nor have I brought in Massachusetts. Yet, sir, this Senator alludes to me in two paragraphs. I should like to know why he did not finish my picture in one sketch on the first day, when he spoke of me as being "Don Quixote in love with slavery as a mistress, because she was a harlot." I dislike to repeat the obscenity of his illustration. When he had me under review then, why did he not finish me in that general sketch? He took another night; and during that night the chaotic conceptions either emanated from his own mind or were suggested to it by those busy people who seem to have control over him; and then it was that he made this celebrated attack on me, assailing my reputation as a gentleman of veracity:

"With regret, I come again upon the Senator from South Carolina, [Mr. BUTLER,] who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from the truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot ope his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when intrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defense, and denounced as a 'thief,' even as the agent of Kansas has been assaulted on this floor, and denounced as a 'forger.' And let not the vanity of the Senator be inspired by the parallel with the British statesmen of that day; for it is only in hostility to freedom that any parallel can be recognized.

"But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, 'from a State'—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even as 'a body-politic.' Pray, sir, by what title does he indulge in this egotism? Has he read the history of 'the State' which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its Constitution, which is republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on 'a settled freehold estate and ten negroes.' And yet the Senator, to whom that 'State' has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward, in the very ecstasy of madness, to expose it by provoking a comparison with Kansas!"

He charges the Senator from Massachusetts with garbling, misquoting, and misconstruing the constitution of South Carolina; defends the State and her revolutionary history from the aspersions of Mr. SUMNER, and proceeds:

But, sir, the Senator undertakes to say that, because I have advocated here the constitutional rights of the South and the equality of these States, I subjected myself to an imputation which I shall not read myself. It bears his own handiwork. Mr. Secretary, I beg your pardon for asking you to read such a thing as this, but it is your duty, not mine.

The Secretary read the following extract from Mr. SUMNER's speech of May 19:

"But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs; I mean the Senator from South Carolina, [Mr. BUTLER,] and the Senator from Illinois, [Mr. DOUGLAS,] who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of

exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

"But not content with this poor menace, which we have been twice told was 'measured,' the Senator, in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them 'sectional and fanatical;' and opposition to the usurpation in Kansas, he denounces as 'an uncalculating fanaticism.' To be sure, these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was national while Slavery and not Freedom was sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that Senator, that it is to himself, and to the 'organization' of which he is the 'committed advocate,' that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense *sectional*, but, more than any other party, *national;* and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots."

Mr. BUTLER. Now, Mr. President, how any man, who has not been excluded from society, could use such an illustration on this floor, I know not. I do not see how any man could obtain the consent of his own conscience to rise in the presence of a gallery of ladies and give to slavery the personification of a "mistress," and say that I loved her because she was a "harlot." I beg pardon for repeating it. What in the name of justice and decency could have ever led that man to use such language? That is the language of Cleon. It is a somewhat remarkable thing, that in the speech which I delivered here in reply to the Senator from New Hampshire, I used the word "slavery" but in one paragraph, and that was in response to a remark of his speaking of the Supreme Court as the citadel of slavery. I rebuked him. I said I would rather regard that court as the defender or as the promontory of the Constitution; and that he was at too great a distance ever to reach it by any arrow which he could discharge from his bow. Sectionalism was not in the speech itself. When I spoke of individuals in a particular section, I did not speak in terms which would imply or convey the idea that I meant the public of the slaveholding and non-slaveholding States. I confined it to that section who are suffering at this time, I hope to a limited extent, and who are burning their fires until they will be reduced to the caustic ashes of disappointment and disgrace. I did not speak of sectionalism in any other point of view. Sir, there are men on this floor who I believe honestly differ from me. I would not make any personal allusion to them. Far from widening this controversy, the object of my speech was to appease public sentiment. In the course of it I ventured to say, what I had never said before, that the man does not live who could look without concern at the consequences of a separation of these States effected in blood. I remarked that I would not say there was not intelligence enough ultimately to form new governments and make them a union of confederacies. Sir, in that speech I attempted to throw oil upon the troubled waters. My friends in some measure blamed me for the tone of my remarks. The so-called reply was already in the sap, the poisonous sap behind, and the Senator had to use his speech as a conduit to pour it out on me and on the country, when he had less occasion than was presented by any speech which I ever before made. Anybody who says we are incapable of preserving free institutions, I should be inclined to consider a slanderer on free institutions; but I will never agree to live in any Government that has not some operative and enforcible provisions of a constitution to preserve my rights. If the Government were as it formerly was, South Carolina and Massachusetts having a common interest, do you think the Senator could arise as an adversary to be applauded by his people? There was a time, sir, when his people would have disgraced him for that very speech. At this day, I do not say they will acquit my kinsman; I dare say they will not; but the time is coming when there will be but one opinion—that that is the most mischievous speech which has ever been delivered in this country, and has involved more innocent persons. If the contest goes on upon such issues as it makes, blood must follow. I do not look on any such scenes with pleasure. I have not temper for them, though when a young man I might, perhaps, not have been indisposed to embark in the hazards of contests.

Whilst upon this point, I may remark that Josiah Quincy, for whom I have heretofore had a great respect, says the Senator has not gone a hair's breadth beyond the line of duty and truth. After my explanations here I hardly think he will say so. He is the only man of high respectability whom I have yet seen or heard make such a declaration. He made it, too, with a reproach that I was sorry to see escape from such a man. He said, alluding to the fracas in the Senate-house, not in the Senate, that it is only a part of that tribe who carry bowie-knives and revolvers. Sir, I never wore a secret weapon in my life. I am not going to discuss the fact that I have used open weapons; and that is the only way I choose to deal, but that is not the way we can get them to deal with us.

Unfortunately, I have had scenes of that kind which I have regretted all my life to some extent. I am mortified to hear such a man as Quincy making a charge upon a whole section, when I question if there is a southern man in this House with a pistol or bowie-knife in his pocket. He has gone out of the way gratuitously to say that

we are of a "breed" who wear them as part of our dress. I am sorry to see such things creeping into the public mind. They mortify me; they annoy me.

But now I come to the resolutions of Massachusetts. I ask that they be read.

The Secretary read them as follows:

COMMONWEALTH OF MASSACHUSETTS. *In the year* 1856.

Resolves concerning the recent assault upon the Hon. Charles Sumner, at Washington.

Resolved by the Senate and House of Representatives of the Commonwealth of Massachusetts, That we have received with deep concern, information of the recent violent assault committed in the Senate Chamber at Washington, upon the person of the Hon. Charles Sumner, one of our Senators in Congress, by Preston S. Brooks, a member of the House of Representatives from South Carolina;—an assault which no provocation could justify—brutal and cowardly in itself—a gross breach of parliamentary privilege—a ruthless attack upon the liberty of speech—an outrage of the decencies of civilized life, and an indignity to the Commonwealth of Massachusetts.

Resolved, That the Legislature of Massachusetts, in the name of her free and enlightened people, demands for her representatives in the National Legislature entire *freedom of speech*, and will uphold them in the proper exercise of that essential right of American citizens.

Resolved, That we approve of Mr. Sumner's manliness and courage in his earnest and fearless declaration of free principles, and his defense of human rights and free territory.

Resolved, That the Legislature of Massachusetts is imperatively called upon by the plainest dictates of duty, from a decent regard to the rights of her citizens, and respect for her character as a sovereign State, to demand, and the Legislature of Massachusetts hereby does demand, of the national Congress, a prompt and strict investigation into the recent assault upon Senator Sumner, and the expulsion by the House of Representatives of Mr. Brooks, of South Carolina, and any other member concerned with him in said assault.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolves to the President of the Senate, and Speaker of the House of Representatives, and to each of the Senators and members of the House of Representatives from this Commonwealth, in the Congress of the United States.

HOUSE OF REPRESENTATIVES, *May* 29, 1856.

Passed. CHARLES A. PHELPS, *Speaker.*

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IN SENATE, *May* 30, 1856.

Passed. ELIHU C. BAKER, *President.*

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MAY 31, 1856.

Approved. HENRY J. GARDINER.

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SECRETARY'S OFFICE,
BOSTON, *May* 31, 1856.

I certify the foregoing to be a true copy of the original resolves.

Attest: FRANCIS DEWITT,
Secretary of the Commonwealth.

Mr. BUTLER. These resolutions give rise to more serious reflection than anything which has occurred to me in my time. I have been in the Senate for ten years, and this is the first occasion that I have ever seen one of the sovereign States of the Union taking cognizance of matters which occurred in Congress, with a view to influence the judgment of Congress in relation to one of their members. This is the first occasion of the kind in the history of the country. It has been done from an *ex parte* view of the subject; for it is now very apparent that the resolutions of Massachusetts were introduced and passed without regard to the evidence. These resolutions anticipated and asserted what may not be true—what the public may not think true—what the Senate may not think true—what the House of Representatives may not think true; and yet the sovereign State of Massachusetts, before there was any evidence, indicted my relative upon rumor—a measure which would have taken Stafford to the gallows. What! sir; indict a man in the language of these resolutions upon the rumor of newspapers? These resolutions—I say it more in sorrow than in anger—betray a temper and precipitancy of judgment that do not look like having a regard to that dignity which is associated with justice. I shall speak respectfully. So far as I have spoken of Massachusetts hitherto, no exception can be taken; but, when I speak of Massachusetts now, it must be of Massachusetts as she has sent forth these resolutions—under the influence of a feeling which pervades her—under the influence of a sentiment which denied Daniel Webster the right to speak in Faneuil Hall, and threw off the coffin of Lincoln because he had fallen in performing his professional duties in the cause of his country. Boston now is not the Boston that she was when Hancock wrote, and Adams spoke, and Otis thought, and Warren fell. They would not recognize her. She is no more the same. Yet, from that very hotbed of bitter feeling to the South, and especially to South Carolina, have I to look for the feelings which dictated these resolutions. I have to meet an indictment—for what? It is said that the liberty of speech has been violated. Upon that point I intend to deliver some remarks which, whether they be correct or not, I shall throw out. Our ancestors were a people of hardy morality. Generally, when they spoke, they spoke directly from the heart. Such a thing as printing speeches beforehand, or having them printed without being uttered in the Senate, was unheard of in their day. They were men who stood on their legs, and spoke out. They had hearts and mouths. They did not resort to the appliances of paper and printing before they brought their speeches here. If the Senator from Massachusetts were present, and would answer me, I would put the question to him, "Was not that speech of yours printed and published before you spoke it in the Senate of the United States?" What is the meaning of that provision of the Constitution, which says that a Senator, or a member of the House, for any speech or debate in either House, shall not be questioned in any other place? Does it mean to give the Congress of the United States the power of deciding what is privilege without the courts questioning it? If so, it goes far beyond the settled doctrine in Great Britain at this day, which was maintained by Chief Justice Denman, in the case of Stockdale *vs.* Hansard; and that case has much to do with the matter now under consideration. Hansard had undertaken, under the authority of Parliament, to publish a book which contained a libel. Without such license or privilege, all agreed that he was responsible. The English House of Commons said that having granted him the license, it was their privilege. Chief Justice Denman took cognizance of the case, on the broad ground that the courts could determine what was privilege under the Constitution of England. He said: "as a common law judge, I will show the Parliament whether I am not capable of deciding on my responsibility as one of the great departments of this Government. Can it be maintained"—and it is one of the most eloquent decisions I ever read—"that the House of Commons, by claiming a priv-

ilege, shall thereby appropriate it to themselves, and screen a villain from the consequence of his libel?" The judge said that although by the law of Parliament newspapers were passed through the country under the frank of members without paying postage, that privilege did not give them the right to make use of a newspaper as a libel. He uses the strong expression: "God forbid that Parliament should afford such a pretext for doing wrong." I say the same thing now.

Will you tell me that a member rising here and handing a speech to the reporter, and telling him to print it, comes within the purview of the Constitution? Has he uttered words in debate? Will you tell me that a member who has made a speech of five sentences may append to it a newspaper like the Tribune, which has libeled me, and has the right to send through the post offices of this Government, and have folded by the persons employed in the folding-room at the public expense, into my daughter's parlor, that which would cost him his life if he told it to me? Has it come to this, that a Senator upon this floor can claim such an extensive privilege, under the law of Parliament, that he can send off, by the twenty thousand, speeches to England and to the four corners of the globe, where I am not known, and then claim protection upon the ground that he has a privilege which precludes him from being questioned elsewhere for words spoken in debate?

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The liberty of speech and of the press is the great conservative element of a Republic; it is to the political, what fire is to the material world, a subservient and affluent minister, when under the control of prudence and intelligence; but, when unchecked and unregulated, a consuming foe, withering and blasting everything along its pathway of ruin. Render freedom of speech tributary to the proprieties, decencies, and restraints of social life, and you may crown it with all the ministries and supremacies of intellect and liberty, but release it from them, and it becomes a blind and maddened giant of evil, tearing down the bulwarks of social order, and desecrating the very sanctuary of republican liberty. What would you think of a reckless man who should set fire to his own house, or should go about claiming the privilege of throwing his fire wherever he could among the most combustible materials, and say he had the right to do so, on the ground that he was a freeman, and could do as he pleased. Away with such liberty! Liberty that is worth anything must be in the harness of the law.

Liberty of speech and liberty of the press must have two restraints. The first is the highest, which will always govern a class of men who cannot violate it—the obligations of honor, decency, and justice. Another restraint upon licentiousness is that a man may publish and speak what he pleases with a knowledge that he is amenable to the tribunals of the law for what he has done. Congress cannot pass any statute to say that men shall not write against religion, or against the Government, or against individuals. Neither can Congress pass a law, nor can any State pass a law depriving the tribunals of the country of the right of saying whether you have gone beyond the limits of liberty, and have used your power, under that name, with criminal recklessness, with a licentious indifference to the feelings of individuals and the consequences upon society. I do not wish to live in any community where it is otherwise.

The press is losing its power, and it ought to lose it; for it is now beginning to be an engine of private revenge, and individual expression, instead of being a responsible organ of public opinion. Suppose I were to go to New York, and indict one of the editors there whom I could name, for the most atrocious libel that has ever been uttered upon the South. I will not name the editor, but he has uttered a sentiment akin to one which has been expressed by the Senator from Massachusetts. I saw in a New York paper—I have alluded to it heretofore—a statement that the southern States are too feeble and weak to take any part in a war—that all they can do is to take charge of their negroes! It said that if a war should take place between England and the United States, the English fleet would only have to go to the capes of the Chesapeake, and the effeminate masters would be kept at home. Fifty thousand slaves, inured to toil, could be mustered into service, and they would have the power to put their masters to the sword; and when the declaration of peace should come, the result would be the freedom of the slaves and the proscription of the masters! Suppose I should go into the community where this libel was uttered, and indict a man for such a sentiment as this, what would be the consequence in the present state of public opinion? It is idle, worse than idle, to talk about that as a remedy.

Liberty of the press! Sir, that man has franked twenty thousand of his speeches; and some of them, if I am not misinformed, were printed long before it was delivered. To bring him within the privileges of parliament is a mockery—a perfect mockery.

Now, Mr. President, I approach another most painful part of this case, and I come to it in no bad temper; for, God knows, if my heart could be read, there is no one who would sooner than myself have averted the state of things which now exists, if I could, consistently with my honor and the honor of the gentleman to whom I shall allude. The resolutions of Massachusetts undertook, before any evidence was heard, to pronounce sentence on Mr. Brooks. Sir, I will tell you who Mr. Brooks is, and why he felt so deeply in reference to these abominable libels. I do not allude to him now as my hereditary kinsman; I think that is the smallest view to take of the matter; but I am his constituent. I live in "Ninety-six"—a district through which, if you pass, you will read upon the tombstones epitaphs which would reproach him for tame and ignominious submission to wrong and to insult.

He has as proud and intelligent a constituency as are to be found in any part of the globe. I am his constituent. But more than that, he has worn the epaulet and the sword; he has marched under the Palmetto banner, and his countrymen have awarded to him a sword for his good conduct in the war with Mexico. That sword was in some measure committed to him, that he might use it, when occasion required, to maintain the honor and the dignity of his State. When he heard of this speech first, and read it afterwards, this young man, in passing down the street, heard but one

sentiment, and it was, that his State and his blood had been insulted. He could not go into the drawing-room, or parlor, or into a reading-room, without the street commentary reproaching him. Wherever he went, the question was asked, "Has the chivalry of South Carolina escaped, and is this to be a tame submission?" What advice I would have given him I do not now undertake to say.

But, sir, when this was said to this gentleman wherever he went, he felt that if something was not done he could not face his constituents without losing his usefulness, and without there being a taint on his honor and on his courage. He may have been mistaken in some respects. His coming into the Senate house was no option of his. When he formed his determination, as I am informed,—and I have kept aloof from conversation with him,—I judge from the evidence he had no purpose to profane the Senate house. I say the Senate house had been profaned before. I had rather to-morrow take ten blows inflicted on my body, than have the gas of the rhetorician poured out upon my character and State.

The Senator from Massachusetts chose to make his place here one from which to assail the history and reputation of South Carolina, and to assail an absent constituent of the gentleman who has taken redress into his own hands. In such a condition of things who could be placed in a situation more difficult? Surely, Mr. President, something is to be pardoned to the feelings of a man acting under sensibility, and under the dictates of high honor. If any one was here, placed in a situation to feel the touching appeal made by the ghost to Hamlet, "If thou hast nature in thee, bear it not," he was the man. Now, I ask the Secretary to read the extract which I have marked in the book which I send to him, and I do not intend to say where it comes from till it is read.

The Secretary read as follows:

"Do not believe that I am inculcating opinions, tending to disturb the peace of society. On the contrary, they are the principles that can preserve it. It is more dangerous for the laws to give security to a man, disposed to commit outrages on the persons of his fellow-citizens, than to authorize those, who must otherwise meet irreparable injury, to defend themselves at every hazard. Men of eminent talents and virtue, on whose exertions, in perilous times, the honor and happiness of their country must depend, will always be liable to be degraded by every daring miscreant, if they cannot defend themselves from personal insult and outrage. Men of this description must always feel, that to submit to degradation and dishonor is impossible. Nor is this feeling confined to men of that eminent grade. We have thousands in our country who possess this spirit; and without them we should soon deservedly cease to exist as an independent nation. I respect the laws of my country, and revere the precepts of our holy religion; I should shudder at shedding human blood; I would practice moderation and forbearance, to avoid so terrible a calamity; yet, should I ever be driven to that impassable point, where degradation and disgrace begin, may this arm shrink palsied from its socket if I fail to defend my own honor!"

Mr. BUTLER. Who uttered that sentiment? It is the sentiment of a gentleman whose speeches have always commended him to me. It is a sentiment worthy of the ancient days of Boston when Dexter spoke. This is a northern man speaking; and I adopt his language. I say with him that, when things "tend to that impassable point where degradation and disgrace begin, may my arm shrink palsied from its socket if I fail to defend my own honor!"

Sir, that sentiment was uttered at a time when clergymen confined themselves to the pulpit, and preached against crime and vice; when they did not use the pulpit as a recruiting station to issue Sharpe's rifles, and to mingle in all the bitter strife of the forum and the Agora. It was uttered when Boston knew how to respect the feelings of others. I concur in all that is said by Mr. Dexter. I deprecate blood and violence. I will not utter all that my heart prompts me to say, for fear of encouraging young men; but this I will say, that no son of mine should ever submit to insult without satisfaction.

At this point, on a suggestion of Mr. CLAY, the honorable Senator yielded the floor, and the Senate adjourned. The day succeeding, Mr BUTLER continued:

I said yesterday that my friend, my representative, my relative, one who is associated with me by more ties than either of these—had taken redress in his own hands—had resorted to his own mode of redress. I said that there were considerations connected with the occasion which, though they could not justify him before a legal tribunal, would excuse any man of his character and position, representing such constituents as he represented, and bound in some measure to sympathize with the opinions of the section with which he is associated. It was impossible that he could separate himself from those conclusions which others might not appreciate, and some could not understand. But I say that gentleman dare not—I do not say I would have advised him—but in his estimation he could not go home and face such a constituency without incurring what is the worst of all judgments—the judgment of the country against a man who is placed as a sentinel to represent it.

If, in the course of these proceedings and the events which have grown out of the speech which has been made by the Senator, it shall be said that Massachusetts can be justified by falling back on an opinion which will justify her Senators and Representatives, it is, I must be permitted to say, one of the unfortunate symptoms of the times in regard to which we have no common tribunal to decide between us. Sir, it seems to indicate a crisis when the opinion of the constituency of one portion of the Confederacy applauds one whilst it is ready to consume and put to the stake another. We have always supposed that public opinion would be right; and sir, I distinguish public opinion very much from popular prejudice. Popular prejudice is that which would consume in ignorance to-day, what it would repent of to-morrow. Public opinion is the judgment of an intelligent community, not formed under the excitement of the moment. It is not the sentiment of an irresponsible multitude; it is not the sentiment of an *ex parte* decision; it is not the judgment which can find its way into the history of the country, or which posterity will adopt as that which ought to be pronounced on the occasion. Public opinion is the highest, the gravest, the most solemn judgment to which any of us can defer. I would not give one cent for what is called public opinion, if it depended upon *ex parte* views of any subject. And I say that the resolutions which have been sent here

from the Legislature of Massachusetts, are not only *ex parte*, but I am sorry to say that I fear their counselors were prejudice and malignity, even giving their counsels through the darkness of ignorance. I do not mean ignorance so far as regards the body individually, for I have no doubt it is intelligent enough; but I mean ignorance, so far as regards pronouncing a judgment without understanding the facts on which that judgment ought to turn. I say that my friend has been condemned without a hearing. He has been condemned by a judgment which, if suffered to go into history uncontradicted, unexamined, and unrefuted, would consign him to a fate which his character does not deserve, and shall not receive as long as I can stand here as his friend and advocate.

But, sir, before I approach the constitutional and legal view of these resolutions, I must aequit myself of the duty which I in some measure assumed yesterday evening, of presenting to the public the circumstances under which the fracas, as it is termed, or the assault, on the Senator from Massachusetts, occurred.

I said that my friend and relative was not in the Senate when the speech was being delivered, but he was summoned here, as I have learned from others. He was excited and stung by the street rumors and the street commentaries, and by the conversations in the parlors, where even ladies pronounced a judgment; and, sir, woman never fails to pronounce a judgment where honor is concerned, and it is always in favor of the redress of a wrong. I would trust to the instinct of woman upon subjects of this kind. He could not go into a parlor, or drawing-room, or to a dinner party, where he did not find an implied reproach that there was an unmanly submission to an insult to his State and his countrymen. Sir, it was hard for any man, much less for a man of his temperament, to bear this.

I intended to reserve a commentary which was at once made on the speech of the Senator from Massachusetts as the most important part of my conclusion; but I find that I can apply it at no better time than this. I allude to the commentary which was pronounced at the time; not when a controversy had arisen; not when it was supposed that the temptations of an adversary, or even the public mind, had so far made an issue that he was obliged to take one side or the other; but it was pronounced by a gentleman of distinguished position, a sage, a patriot, a man who had won laurels in the field, and justly deserved to be considered the Nestor of the Senate. Sir, the remarks made by the member from Michigan [Mr. Cass] struck me as the most consuming piece of criticism; and I think, taking it all into consideration, it would be more terrible to me than all the arguments of an advocate, and all the array that could be brought on one side or the other. It was the testimony of voluntary justice.

"I have listened"—said that distinguished gentleman, [Mr. Cass,] who had worn the sword and the robes of the Senate, with distinction and dignity—"with equal regret and surprise to the speech of the honorable Senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on ears of the members of this high body—as I hope never to hear again, here or elsewhere. But, sir, I did not rise to make any comments on the speech of the honorable Senator, open as it is to the highest censure and disapprobation."

I am not as young a man as Mr. Sumner, nor do I pretend to be in a condition to defy or place myself against the testimony which would put into operation a current of public opinion, such as was pronounced by the honorable Senator from Michigan in his place; but, sir, I can say, that, with my nature, I could not have slept that night on my pillow with such a censure and such a criticism pronounced in the Senate of the United States. I should have been ready to send a message to make atonement in some way. I should have wiped out, as far as I could, by repentance and atonement, the unmanly aggression and insult which had been offered, and was condemned by the highest authority. I do not undertake to say what was the opinion of that Senator, but I can quote from his State the most consuming judgment I ever heard pronounced. The sentiments expressed in the paragraph to which I allude, and in others, show that when the effervescence of popular prejudice shall have subsided, this case might be tried, even in Massachusetts itself. I should not be afraid to try it there. They are not slaves to be governed by fanatical madness. One of the journals there, in a remarkably well-written article, which I adopt, says:

"Charles Sumner's recent speeches in the United States Senate have not in any respect enhanced his reputation as a man, as a debater, or as a statesman. It is impossible, it seems to us, for any fair-minded man, who loves truth and regards honor and decency, to read these effusions, all reeking with falsehoods, bitterness and wrath, and indecency, without feeling that Massachusetts has been disgraced by an unworthy son in the Senate Chamber, before the country and in the face of the world. We venture the assertion that no parallel to these vituperative outbursts of Sumner can be found in the annals of Congress, nor in the records of any legislative assembly in the world. Overpowering passion, madness itself, seems to have bereft him of his senses, and left him oblivious of truth and honor, of the courtesies of intelligent and dignified debate, and of the proprieties of civilized life.

We do not, we cannot, use terms too strong in relation to this matter. It is not the character of Charles Sumner alone that is involved. The fair fame of Massachusetts suffers. Whatever may have been the political errors of Massachusetts, she has ever, heretofore, been represented in the Senate of the United States, and we might also say in the House of Representatives, by men, statesmen—Webster, Winthrop, Everett, Choate, Davis, and Bates—who knew their rights, and knowing dared to maintain, and maintained them with courtesy, dignity, and ability, in such a manner as to command the respect of their opponents, the applause of their friends, and the admiration of all their countrymen."

I knew some of the gentlemen here named, and I should never be afraid to meet them in debate anywhere, because with them I should never apprehend the assaults of calumny and slander. I cannot be reduced to such an issue that I must discount calumny and slander by the language of a blackguard. If it be the theory of gentlemen that when one uses language in debate transcending the sphere prescribed by propriety and justice, we are to resort to the same mode for redress and satisfaction, I am a non-combatant; I cannot enter into a controversy with gentlemen in which they are to bandy words.

These remarks are not without their direction. I have used them to show what was the impression on the public mind at the time when the assault was committed. Mr. Bingham, a friend

of Mr. SUMNER I presume, says in his testimony that on hearing the speech he anticipated something. It was the general impression of the whole community that he deserved to receive a chastisement; or, at least, that he was bound to make atonement in some way for the insults and the wantonness of his insults to a gentleman (as I hope I am) then absent. This was the common sentiment pervading the public mind at Washington. What was my friend to do? Sue him? Indict him? If that was the mode in which he intended to take redress, he had better never go to South Carolina again. Was he to challenge him? That would have been an exhibition of chivalry having no meaning. Although he has been upon the field, both in open war and in a private affair, I should be very sorry to see any crisis requiring it again. A challenge would have been an advertisement to the world of his courage, when there was not a probability of its being tried. He would have made himself contemptible, and perhaps might have been committed to the penitentiary for sending a challenge.

Then, what course was left to him to pursue? Mr. SUMNER had opportunities enough to make an apology. God knows I could not have resisted the admonitory criticism of the distinguished Senator from Michigan, perhaps the most imposing authority in the Senate. He paid no regard to him, and for a very good reason: his speech was written, and had gone out, and he could not contradict what he had sent forth to the public with malice aforethought.

Well, sir, what did Mr. BROOKS do? It is said he sought Mr. SUMNER in the Senate Chamber. It is the last place in which he wished to seek him. He would have met him in an open combat, on a fair field, and under a free sky, at any time. And when the Legislature of Massachusetts chooses to say that his conduct is cowardly, let her try him in any way she chooses. [Applause.]

Sir, a man who occupies a place in the Senate, representing a great Commonwealth like Massachusetts, or representing any State, as one of her Senators, occupies a very high position, from which he can send forth to the public what may affect the character of almost any man, except General Washington, or some one upon whose character the verdict of history has been rendered. There is scarcely any man who can withstand the slander which may be pronounced from the Senate Chamber of the United States. For this reason I would never look, and I never have looked, beyond the public position of a member here, to go into his private and personal character. I would not do it, because by so doing I should do a wrong which I could not redress. Even a word escaping my tongue in this Chamber, as a Senator, might go far to injure a man where he could not correct it. We are in a position which requires high considerations for the regulation of our conduct. I agree thoroughly with General Jackson, that the slanderer who involves third persons in difficulty and danger, is an incendiary, against whom we should guard more than any one else, in a parliamentary point of view. I will quote General Jackson's language. He said: "Over the doors of each House of Congress, in letters of gold, should be inscribed the words, 'The Slanderer is worse than the Murderer.'" A single murder is horrible. It may take a single individual from society. But when I look at the mischievous influence of slander, I find that it pervades a whole community; makes war in society; sets family against family; individual against individual; section against section. It is the most cowardly mode in which a war can be conducted.

With the state of opinion to which I have alluded prevailing, what did Mr. BROOKS do? Of course he did not undertake to challenge Mr. SUMNER to a fist fight, or a stick fight, or any other kind of fight. He thought Mr. SUMNER deserved a castigation, and he undertook to give it to him according to the old-fashioned notion, by caning him. I have not heard Mr. BROOKS detail the circumstances. I have not conversed with him in regard to the matter; I take my information from the published testimony. Mr. BROOKS, not finding him anywhere else, came to him while he was sitting in his seat here, after the Senate had adjourned. He came to him in front—different from the statement made to the Massachusetts Legislature. He was half a minute in his proem or explanation. He said: "Mr. SUMNER, I have read your speech. I have read it carefully, with as much consideration, and forbearance, and fairness as I could; but, sir, I have come to punish you now for the contents of that speech, which is a libel on my State, and on a gray-haired relative."

Instinct would have prompted most men to rise immediately. Mr. SUMNER did rise. In the act of rising, Mr. BROOKS struck him across the face—not, as has been represented, over his head, for that is not the truth, nor is it borne out by the testimony. On the second stroke the cane broke. It is the misfortune of Mr. BROOKS to have incurred all the epithets which have been used in regard to an assassin-like and bludgeon attack, by the mere accident of having a foolish stick, which broke. It broke again; and it was not, as I understand, until it came very near the handle, that he inflicted blows which he would not have inflicted if he had an ordinary weapon of a kind which would have been a security against breaking. His design was to whip him, but the stick broke, and that has brought upon him these imputations.

It has gone through the country that Mr. BROOKS struck him after he was prostrate on the floor. None who know this young man could entertain such an idea. I have known him from childhood. I used to have some control over him; but the scholar has become the master, and I suppose he would not care much about my advice now. By an hereditary tie our families are more closely united than any two with whom I have been acquainted. But that is far apart from the question. Independent of his filial feelings for me, and his regard for me as his constituent and Senator, I have no doubt that a personal feeling of regard for myself individually influenced him.

He approached that man with no other purpose than to disgrace him as far as he could; but the stick broke. After it broke he was reduced to a kind of necessity—a contingency not apprehended at all in the original inception of the purpose of making the assault. Notwithstanding all that has been said of his brutality, he is one of the best tempered fellows I ever knew—impetu-

cus, no doubt, and quick in resentment, but he did not intend what has been assigned to him.

After all that has been said and done, on a *post bellum* examination, what is it? A fight in the Senate Chamber, resulting in two flesh wounds, which ought not to have detained him from the Senate. Being rather a handsome man, perhaps he would not like to expose himself by making his appearance for some time; but if he had been in the Army, there was no reason why he should not go to the field the next day; and he would deserve to be cashiered if he did not go. What does his physician say? He says that there were but two flesh wounds; that he never had a fever while under his care and attendance, and that he was ready to come into the Senate the next day, but for his advice; and his advice was, that he should not come into the Senate, because it would aggravate the excitement already too high. He did not recommend him not to go into the committee room to be examined on the ground that his wounds had enfeebled him, but for other considerations, because it might aggravate the excitement already prevailing to an extent which might lead to mischievous consequences.

This, then, is the mode of redress to which Mr. Brooks resorted. I do not say what I should have advised him to do, but perhaps it was fortunate that I was absent in one respect, for I certainly should not have submitted to that insult. Possibly it might not have been offered if I were present, though I do not know the fact, because I cannot say exactly what would be the course of one of those persons who have a way of fabricating speeches. Perhaps, being in his speech, he would have had to read it; but I think it possible that on the appeal which I would have made on my discretion, his friends might have induced him to reform it in some way so as to conform at least to the requirements of common decency in public opinion. If he had not done so, I do not know what would have been my course.

For this transaction, as I have detailed it, and without the intelligence which I have detailed being before them, the Legislature of Massachusetts have sent their resolutions here. These resolutions are without a precedent in the history of this country. I hope other Senators will speak to them, for they are not only an insult to South Carolina and her representatives in Congress, but I think they assail the Constitution of the country. Before commenting on them, I may be permitted to allude to the first precedent of a congressional fight, which was between two members from New England.

This affair is said to be an evidence of southern violence and southern ruffianism. Some papers speak of the bowie-knife and the revolver of southern blackguards. Why, sir, the first fight which took place in Congress was between Matthew Lyon and Roger Griswold, from Connecticut. Our ancestors in those days looked upon a fight with very little of the importance which is now attached to it. They said it was so unimportant, that they were vexed that so much of the time of the House was occupied in considering it.

It seems that Matthew Lyon, originally an officer in the Army, had been cashiered and awarded a wooden sword. He then lived in Connecticut. At that time, and at this, too, in Connecticut, there was a pretty pressing opinion against a low man, and he could not stand it. He had to move over into Vermont, a new State, then the frontier of the country. He was elected a member of Congress from Vermont. He was one of the Democrats. I suppose he was one of the Red Republicans of that day against John Adams's administration. Was he a Democrat?

Mr. FOOT. Yes, sir; he was a Democrat.

Mr. BUTLER. It was before the gentleman from Vermont taught school there, and Lyon assumed to be a kind of apostle of liberty and Democracy. Not satisfied with instructing the people of Vermont, he went to Mr. Griswold of Connecticut; stood behind his seat and told him, "Sir, you do not represent Connecticut correctly; I know these people; they are mean people; they will take $1,000 as soon as $9,000 for a salary." Griswold stood it for a great while. Finally Lyon said, "I will go over to Connecticut; I will talk to these people, and I will have an influence upon them; I will show whether you ought to occupy your seat or not." Griswold said, "I hope you will not go with your wooden sword." He repeated this twice; and after somebody suggested to Lyon that the third time was too much, he spit in Griswold's face. A great hubbub was raised, and Lyon was brought up, I suppose, to his perfect delight, to be tried as to whether he should be expelled from the House of Representatives or not. On the following day, Griswold involved himself in a difficulty without any consideration. He took a good hickory stick and went to Lyon. He did not give him any notice at all. They fought with hickory sticks, and spit-boxes, and tongs, all over the House of Representatives, while the House was in session. Our hardy ancestors at that time did not think a fight of so much importance that they should take it into serious consideration. They said, let them both go. They refused to expel either of them.

When Mr. Randolph struck Mr. Allstine, the matter was brought before the House; but none of these things were considered of a sufficient magnitude to invoke the high function of a Legislature sending its missive to Congress to tell them what to do. Massachusetts is the first to set the example. She has not only administered a reprimand to Mr. Brooks without any evidence; she has not only assumed to pronounce judgment before hearing the evidence, like a judge passing sentence on a criminal before hearing his defense; but she has undertaken indiscriminately to say, that she demands of the Congress of the United States to carry out her behests in regard to what she considers to be an outrage upon the privileges of the Senate.

Can anything be more insulting to the Congress of the United States than the spectacle of a State sending down a message to its "faithful Commons"—a message that they are to pronounce this or that judgment? Are we to submit to this? I did not wish to make the contest; but, in my opinion, these resolutions, in the terms they import, ought not to have been received by the Senate.

Taking all these things into consideration, indicted as Mr. Brooks has been by an *ex parte* accusation, without evidence, without even the finding of a grand jury, what is his position? If

his case could go before any impartial tribunal, and I could employ counsel such as I would select, probably I would choose my friend from California, [Mr. WELLER,] who lives in a free State, who is an impartial man, an advocate, a gentleman, a man of honor and courage.

If a civil action were brought by Mr. SUMNER against Mr. BROOKS for assault and battery, I pledge myself that, with all the resources he could bring to his command, he would be able to reduce the verdict to a penny damages. What would be the state of the pleadings? Mr. BROOKS struck Mr. SUMNER, would be the allegation. It would be admitted that he struck him, and inflicted two flesh wounds. Mr. SUMNER would reply, "I am a Senator of the United States; and although the Senate was not in session, I was in that sacred temple, and my character is so sacred under the privileges of the Senate, that I am not to be assailed." What would Mr. BROOKS's counsel rejoin? The rejoinder would be, "Sir, you had profaned and disgraced the seat you occupied, before you were struck."

Then the question would be, what is this privilege so much spoken of—freedom of debate? The court would examine the question, whether what was said was privileged within the rules of the Senate, or whether it was a libel. If it should be pronounced to be a libel, and I were the judge before whom an action were brought—if a man brought before me could show that another insulted his mother, or his father, or his sister, or himself, or his country, I would say to the man who inflicted the blow, "My duty is to fine you; you are not justified by the law; but it is my privilege to say that, whilst I will enforce the law and maintain its dignity, I shall fine you as small a sum as I possibly can within my discretion."

Now let me state the testimony in such an action. It would be that, in the absence of the Senator from South Carolina, Mr. SUMNER rose in his seat, and pronounced what northern papers themselves say is an unparalleled insult, not only to the State of South Carolina, but to her absent Senator. It is one for which I cannot account. I ought to thank one of the Boston editors—I think the editor of the Courier—for a beautiful, perhaps an undeserved compliment, which he has paid to my speech. I ought to thank him here publicly, as one who has independence enough to express his opinions in opposition to the tide prevailing in his part of the country. In my absence, language was used of me which, I venture to say, no one who knew me believed. I might put that question to the Senator's colleague. I know nothing against either of the Senators from Massachusetts personally or privately. I dare say, as neighbors and individuals, I should not have the least right to complain of their judgment outside of the influences which operate upon them publicly and politically. They have no right here to attack any man's private character. I never transgressed the limits of propriety to reach over and look at any man's private character. I do not know that I have anything against Mr. SUMNER's private character; but that has nothing to do with the matter. Here, in his place, *in colore officii*, as a Senator from Massachusetts, he undertook to traduce and calumniate the revolutionary history of South Carolina, and to make remarks in regard to one of her Senators on this floor, a coequal with him, to which no one could have submitted. It happens that that Senator was the constituent of a member of the House of Representatives, who was his friend. That friend, finding that his own blood was insulted by an insult to his absent relative, was goaded on by the necessity of circumstances to take some measure of revenge. As I said yesterday, surely under such circumstances much is to be pardoned to the feelings of a man acting under such motives.

With these remarks I dismiss the resolutions of Massachusetts, hoping that somebody else besides a Senator from South Carolina will say something of them, for I do not wish to identify myself too much with them as a personal matter. I have attempted to keep aloof from that.

The Senator from Massachusetts, in his speech, made one or two allusions which I must incidentally notice to show how erroneous he is whenever he touches any subject. He says I indulged in licentious abuse of the people of Kansas. When he speaks of the people of Kansas I suppose he means those who were sent there by the aid societies. I presume he considers nobody as the people of Kansas except those who have the impression upon them of the people whom he designates to choose and comprehend within the term, "people of Kansas." He has no regard for the people of Kentucky, of Missouri, of Iowa, of Virginia, of South Carolina, who may have gone into that Territory, but he says I have abused its people. I never did abuse them. I did say that the man who came here with the so-called petition of Kansas in his hands without signatures, was attempting to come into the fold of this Federal Government by a fraud. I did not use as strong an expression as my friend from Louisiana, [Mr. BENJAMIN,] my friend from Virginia, [Mr. MASON,] and others. I did not say that the petition was a forgery. I denounced it as a violation of the rules of the Senate to print a paper of that kind, or to give it the dignity of a paper coming from a State. This is all that I said. I did not abuse the people. But what does Mr. SUMNER say of the portion, my portion, if he chooses to call them so, though I do not wish so to characterize them, of the people of Kansas? He speaks of them as "hirelings, picked from the drunken spew and vomit of an uneasy civilization—in the form of men—

> "'Ay, in the catalogue ye go for men;
> As hounds and grayhounds, mongrels, spaniels, curs,
> Shoughs, water-rugs, and demi-wolves, are called
> All by the name of dogs.'"

Sir, he could not have provoked me in the spirit of controversy to say that. I have no doubt many worthy individuals have gone there under the influence of aid societies; I have not compared them, as the Senator has those who have gone there from Arkansas, Missouri, and Virginia, to the genus of wolves, dogs, and hirelings from the spew of an uneasy civilization. All are dogs, in his estimation, that do not come under the impression of his indorsement. This is language which I could not use of any set of men with whom I was not acquainted. If I were to settl in Kansas to-morrow among those very people, I think it probable that I should be on good term with them; for I have never had a dispute with a neighbor. I do not think these people would

disturb me. But what think you of this denunciation—this rhetorical bombardment from the Senate of the United States, of a class of individuals, as honorable and brave a set of men, I doubt not, as any other, though, perhaps, reckless to some extent. I regret the issue pending in Kansas. I said before, and now repeat, that the very last fate to which this country should be reduced, would be to commit the arbitrament of great questions to the issue of the sword in the hands of youth willing to contend and pleased with the pride of engaging in arms, and having bestowed on them all the fascination which can be imparted by danger and trial.

Mr. BUTLER then goes on to show Mr. SUMNER guilty of what bears a very close similitude to an *intentional misunderstanding* in charging him (Mr. BUTLER) with saying that the people of Kansas should be disarmed; and also shows up Mr. SUMNER's — now notorious — imitation of the apostrophe of Demosthenes, which he admits is a remarkable imitation, and is the best part of his (Mr. SUMNER's) speech. He closes with the following scathing peroration:

Mr. President, I have convicted the Senator of making a speech which was not in response to anything I said. I have convicted him of such historical errors as no man can mistake. I have convicted him of making allegations against me of being ignorant of law and of Constitutions, and yet when he undertook to quote and expound the constitution of South Carolina, I have shown that he either never read that constitution, or he could not understand it, or, if he did understand it, he willfully misrepresented it. He has been guilty of the *suppressio veri* and the *suggestio falsi*. He cannot escape from these propositions.

I have a copy of the Senator's speech before me, and now I am going to turn his gun upon him. I ask the Senate to see if I do not turn it upon him to such an extent as to allow me to apply the apposite quotation of which I have often made use:

> "Mutato nomine, de te
> Fabula narratur."

Here is what he says of me:

"With regret I come again upon the Senator from South Carolina, [Mr. BUTLER,] who, omnipresent in this debate"

Why, sir, I have counted the Congressional Globe, and my remarks make but twelve pages, while his are thirty-two. I have not gone into the subject at as great length as my friends from Alabama, [Mr. CLAY,] Georgia, [Mr. TOOMBS,] and others. My speeches all put together on this subject are but twelve pages, and his are thirty-two; while those of his coadjutors amount, I suppose, to a hundred more. Yet he said I was omnipresent in this debate! I will not say that he is omnipresent in this debate, but he is omnipresent everywhere *out* of the debate. He says that I "overflowed with rage at the simple suggestion that Kansas had applied for admission as a State, and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representatives, and then upon her people." I said it was a fraud, and the Senate said so. Why did he single me out? Again, alluding to me, he said:

"There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration."

I do not know that I have ever been an imitator in my life. Those who know me best say that I am rather *sui generis*. I never borrow from Demosthenes, and palm it off as my own. As for my deviation from the truth, let me ask, did he tell the truth when he quoted the constitution of South Carolina, and there was no such clause in it as he stated? Did he tell the truth when he undertook to say, that her imbecility was shameful during the Revolution? I have shown that she absolutely sent bread to Massachusetts. Did he tell the truth when he meant to impute to me what he has charged here? I retort upon him everything that follows.

I retort on him the very language which he applies to me. He accused me of such a proclivity to error that I could not conform to the line of truth, or was continually deviating from it. I have convicted him before the Senate, by the evidence which I have adduced, of calumniating the history and character of South Carolina, and of misrepresenting her constitution. He has done this, not in response to anything I had said, or anything which was legitimately connected with the debate. He has undertaken to charge me with ignorance of the law and the Constitution, which is perfectly independent of his arbitrary *dictum*—the *dictum*, allow me to say, of a man who has never conducted a great law case in this country. I believe no one would buy an estate worth $10,000 upon his opinion of the title. I would not engage him to conduct a cause, not that he is not a clear man, but I would not trust him as a lawyer. And yet he undertakes to be my judge. What right has he to pronounce judgment on me as a lawyer? I am reduced to a pretty predicament at this time of life, if I am to be subjected to such a judgment! It is a judgment about which I care little; and I do not suppose any man would give fifty dollars for it even in Massachusetts.

"He cannot ope his mouth but out there flies a blunder."

I sincerely hope that what he has said is a blunder. I do not know but that he may have thought he would escape scrutiny and exposure. I hope that, when he opened his mouth and said what he did in reference to these matters, it was a blunder. He said of me, "the Senator touches nothing which he does not disfigure." I can say of him he has touched nothing which he has not misrepresented, except it be in his general declamation, and there is no detecting a man in that; it is a matter of taste. I appreciate highly the compliment I received this morning in the Boston Courier as to the merit of my speech. The Senator says of me, that "the Senator touches nothing which he does not disfigure—with error sometimes of principle, sometimes of fact." I apply this to him with this exception: I say error nearly always of principle, sometimes of fact. I leave the Senate to decide between us in that respect. Again he said of me:

"He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law—whether in the details of statistics or the diversions of scholarship."

I shall not compete with him in scholarship,

for I should be vulnerable there; but "men who live in glass houses should never throw stones." Of all the things which that Senator ventured to do, I think he exposed his house most when he made that assertion, with the detection which I have fixed upon him of error, injustice, and malignity. It is nailed upon him, and he cannot get rid of it. I care not how far fanaticism may undertake to influence the judgment of public opinion, it cannot alter the truth. Truth is sometimes slow in making its impression on the public mind, but, when made, it is evidence which produces a belief that cannot be resisted. That belief will grow out of my statements, my remarks, and my references, and is just as certain as the truth of the evidence, and he cannot escape from it.

Mr. President, I have detained the Senate much longer than I wished. When I gave notice that I should speak to the resolutions of Massachusetts, it was with perfect confidence that the Senator would be in his seat. Finding that these resolutions were not here, on Monday last I gave notice that I should speak on Thursday, still confident that he would be here? Yesterday, having heard that perhaps he would not be present, I inquired in as delicate a manner as I could when he would be here? Although our relations are not friendly, I did not wish to assume a position which would be even apparently inconsistent with fair chivalry and bearing. I inquired whether he would be in the Senate within a fortnight, and, if so, I said I would postpone my remarks. Finding that it was his purpose to go, in a few days, to Massachusetts, and that he would not be likely to return for three or four weeks, I could not allow the opportunity to pass. I have stated these facts to show that I do not stand here taking advantage of his absence. I was willing to wait any reasonable time, but I could not allow error to prevail longer in relation to my State, my friend, or myself. This is my position.

Sir, if there is any one individual who more than another regrets the occasion on which I have spoken, it is myself. I have no temper for strife. I am passing through the last chapter of my public life, and I have no wish to identify my name with anything like a personal controversy. I have never sought it. When the question comes to be examined and solved, Who was the aggressor? it will be found that it was not I on any occasion. I admit that I have three peculiarities of manner—impatience, excitability, and perhaps absent-mindedness. They are peculiarities which have followed me from the cradle. But, sir, I hope I have never known the time when reason and repentance would not suppress even a temporary injustice. If injustice is done to me, or a wrong or insult offered, I never stop to parley in words. I ask justice, and if it is not given, I never would be in the wrong if I could help myself; but when I am in the right I do not think any man can blame me for vindicating my principles.

Now, sir, I appeal to the good sense of this country. I appeal to the lessons which its grave history inculcates. I appeal to the position which it occupies in relation to the history of the world, and to the high responsibilities which now rest on this Confederacy, not to allow it to be dissolved in blood. If we are to separate, let us have common sense enough to do it in a way becoming intelligent men, who have learned their lessons from the highest sources of intelligence and wisdom. If we are to live together, let it not be upon the terms prescribed or intimated by the tone and temper of the licentious and aggressive language of the speech delivered by the Senator from Massachusetts. It is impossible for self-respect to allow me to sit here and listen quietly to such a speech. If there were separate confederacies to-morrow, he dare not utter it without subjecting himself to a peril which he will not encounter now. He would then put his section in a position to make war, and he would be responsible to a higher tribunal than that of those who have erected themselves into it under an influence which I think must perish; and I hope the day is fast coming when the fires of that limited sectionalism will burn out, or will be reduced to the ashes of disappointment and disgrace.

FROM THE

HON. JOSIAH J. EVANS'S SPEECH,

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 23, 1856.

The Senate, as in Committee of the Whole, having under consideration the bill to enable the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population—

Mr. EVANS said: Mr. President, the subjects which have grown out of this unhappy Kansas affair are of very grave import. I would willingly, very willingly, avoid, if it were possible, mingling in this controversy. I have no taste for it. It is against the habits of the last thirty years of my life; for within that period, so far as I remember, I have on no occasion found it necessary to make anything like a forensic effort. But, sir, the Senator from Massachusetts not now in his seat [Mr. SUMNER] has not left me any choice. He has thought proper, in a most ruthless manner, to assail my State, and to assail my colleague. This requires at my hands something in reply. In making this reply, I do not purpose to indulge in any unkind language, much less to violate any parliamentary law.

The subjects which I propose to discuss are the legitimate inferences growing out of that which he has introduced into his speech. So far as I am capable of understanding it—and I certainly have no desire to misrepresent either that Senator or anybody else—the great object of the Senator's speech seemed to be threefold: First, to excite the people, the Free-Soil people—the "free people," as he called them—in Kansas, to rebellion and resistance to the law. That seemed to be his first object. His second object was, to assail and vituperate my respected friend and colleague, [Mr. BUTLER;] to heap all the opprobrium he could on the slave States generally, and the State of South Carolina in particular. To this, sir, was added the further object of magnifying, as far as in him lay, the present condition, and former, and particularly the revolutionary, services of the State of Massachusetts. Now, sir, upon each of these subjects I have something to say—very little, indeed, in relation to Kansas. Sir, my heart bleeds at the unhappy condition of that country. The efforts which have been made, from the time of the passage of the Kansas bill, to defeat its operation by means which I believe originated in this Hall, have been incessant and without any remission. Mr. President, I am an old man; and for the last thirty years of my life, the business of it has been to endeavor to arrive dispassionately at just conclusions. I am too old to be excited by party conflicts. I have therefore endeavored to turn my attention to this subject as dispassionately as I could; and the deliberate judgment to which I have come is, that if the people of Kansas—the pro-slavery and anti-slavery party—had been suffered to act for themselves, the unhappy condition in which that country is now placed would never have existed. But, sir, the politicians—those who live by excitement—would not let this matter rest. I have no doubt you will remember, sir, that before the Kansas bill was passed, hundreds of thousands of pamphlets were distributed through this land, for the purpose of exciting the public prejudice against it. It was branded as a fraud, as a swindle, as a breach of faith on the part of the South. Those pamphlets were echoed back by the remonstrances of three thousand New England clergymen, and laymen without number.

Mr. President, I beg to ask what was this plighted faith which it is charged that the South violated in the Kansas bill? What was it? It was simply the repeal of the Missouri restriction—I do not call it compromise, because it partakes of nothing of the nature of a compact or compromise. Well, sir, what was that Missouri restriction? I do not propose to enter into a discussion of it. I desire simply to say that it was an act of Congress. When Missouri came here requiring admission as a State, objection was made that she was a slave State. Missouri had a right, I presume, to decide this matter for herself. She was settled mainly from Virginia and other slaveholding States. Slavery existed there extensively, and had existed there before the purchase of Louisiana, of which it was a part. Well, sir, for the sake of peace, after there had been much discussion on the subject, the South, headed by Mr. Lowndes, agreed that Missouri should be admitted, and that after that time no slavery should exist beyond a certain line. As I said before, this was a mere act of Congress. The North gave nothing for it. They had no right to object to the admission of Missouri as a slaveholding State. It was usurpation in them to pretend that they had a right to exclude her. If, then, the North had no right to object, she gave nothing for this plighted faith of the South, as it is called. It was simply an act of Congress, subject to repeal whenever Congress thought proper to repeal it.

If, sir, there was any inducement on the part of the South to assent to this Missouri restriction, it was the belief, which they had a right to expect, that the slavery agitation should cease. They had surrendered a portion of their territory, that to which they had as good a title as any other portion of this Union, and they had a right to expect that the slavery agitation would cease. If anybody has a right to complain of this breach of faith, it is the South. The slavery agitation has been continued from 1820 up to this time; there has been no remission in it. If it has partially died out on some occasions, the first oppor-

tunity which presented itself has been seized to revive it with still greater virulence.

Mr. President, I do not propose to go further on this subject. It has been so often discussed that it would be an unnecessary waste of the time of the Senate for me to attempt to discuss it again; but this agitation seems to have arisen out of the question of slavery; and on that I have something to say, though but very little. Sir, the South—the slave States—are not propagandists; they are content with their institutions as they are; they are content with that form of civilization which exists amongst them; they desire not to extend it to New England or to any other portion of the United States, who do not choose to receive it. But, sir, whilst they are willing to do this, there is nothing in their nature, and there is nothing in their institutions, which inclines them to submit tamely to any aggressions on their rights. If slavery be a sin, it is ours, and we are willing to bear it. Neither New England nor any other section of the country comes in for any participation of it. If, as has been said, it is an incubus on the advance of civilization—if it is an incubus on the energies of any people—that incubus rests on our people, and does not paralyze any other section. If we are willing to bear it, why should others desire to relieve us of that of which we do not complain?

But it is said, "You are not content to keep your institutions in your own section, but you desire to extend them to Kansas." Well, sir, if we desire to extend them to Kansas, have we not a right to do so? Does not Kansas belong in part to the Louisiana purchase? Did we not pay equally—I do not say we paid more—but we paid our full share of the price of that country. If gentlemen wish to know why we particularly desire to have Kansas, I can tell them. If the slavery agitation had ceased, and if, after the Missouri compromise, those who live in the free States would have been content to allow things to remain as they were, there would never have been any movement to change that understanding between the two sections of the country. But, sir, no sooner had they succeeded in placing the Missouri restriction on our settlement of that northwestern country, than both Houses of Congress were flooded with petitions to abolish slavery in the District of Columbia, to abolish what was called the slave trade between the States, and, more than that, to abolish it in the forts and garrisons and every other place over which Congress had any jurisdiction. Did I not hear the Senator from Massachusetts [Mr. Wilson] say, that it was the intention of his party to abolish slavery in the Territories, in the District of Columbia, and everywhere else where they had power? If they will abolish it wherever they have the power, they will get the power whenever they can. The same spirit which would exercise the power will get the power whenever it can. Let any man cast his eye on the map of this immense domain, extending from the Atlantic to the Pacific ocean, and he will see a space there, outside of the existing States, abundantly large to make States enough to give the gentlemen what they desire. Whenever you have sixty States in this Union, three fourths of them can alter the Constitution, and abolish slavery everywhere. You have thirty-one now; you want only twenty-nine. Where are they to come from? Kansas and Nebraska can make six; New Mexico will make half as many; California may be well divided into three States; and there is no doubt of the fact, I venture to say, that within the next forty or fifty years it will be accomplished—that the Indians will be driven out, and those large territories, extending from the Atlantic to the Pacific, will be divided into States of this Union. Was it strange, then, that the South should be alarmed at this state of things? I did not hear it; but I have understood that, in 1850, a Senator here from one of the free States said their object was to build a wall around slavery—a wall of freemen, to render slave property unproductive, and to force its emancipation.

Mr. BUTLER. "Cordon," was the word.

Mr. EVANS. Well, sir, Kansas, although it is but one State when added, will be good against three more. And was it strange, then, that the South should desire possession of Kansas merely as a guarantee? There is no pretense that they can occupy any other portion of that immense region. Everybody knows that slavery will not do for a farming country merely. It is of no value in a graining country; it is of no value in the mechanic arts; it can only be used to advantage in the cultivation of the great staples. There is no pretense that any one of the great staples that constitute the great material of our foreign commerce, can be cultivated anywhere within the limits of these Territories outside of the Territory of Kansas. I ought, Mr. President, to say, in this connection, that, although I have expressed our fears as to the future, yet, with such gentlemen as I see around me from the free States, I have nothing to fear. I know that the honorable Senator from Connecticut [Mr. Foster] would do no such act of foul injustice as to interfere with slavery in the States. And if the question was to-morrow, whether the Constitution should be altered, and this great and crying wrong perpetrated, he would not do it; and I can say the same of many others whom I see here to-day; but can I forget, or can anybody forget, what is the progress of this thing? Why, sir, was not Daniel Webster refused the use of Faneuil Hall because it was supposed he had expressed some degree of toleration for the institution of slavery? What guarantee have I—what guarantee can anybody have, that, in twenty or thirty years from this time, those who are here now will not be elbowed out as they have been in some of the States by some more illiberal persons than themselves?

These, Mr. President, are the reasons why we desire Kansas; but it was not allowed. The very instant it was opened to the slave population, that instant there sprung up a contrivance—a machinery was set in operation of which I do not choose to speak—the object of which was to defeat this act of Congress, and, as was said by the Senator from Massachusettss, to devote this Territory to freedom. Well, sir, if they can devote it to free population in the ordinary way, without the use of this new scheme of immigration of which he spake—and which I suppose is that which has been in operation—if they can get possession of it without resort to this new scheme of immigration, we cannot object; I, for one, would not object.

Mr. President, I now propose to submit some remarks on this hated subject of slavery. Sir, I am not frightened by a name. A wise legislator looks to things as they are; and he who would legislate for this great Republic must look to it as it is. A state of things exist here which, perhaps, exists nowhere else; but it is here, and you must deal with it as a wise and honest man should. I do not mean in any remarks which I shall make to reproach Massachusetts, or any other State or section of the world, on the subject of the slave trade. It is true that, at least so far as South Carolina is concerned, we participated very little in it. Some few ships were fitted out in Charleston, but I doubt if a native of the State ever had any participation in it. But, sir, I reproach nobody for it. At that period in the history of the world, it was thought right. There was the concurrent testimony of the civilized world that, to capture the wild savage of Africa, and reduce him to a state of subjection, to feed and clothe him, and civilize him, and Christianize him was no wrong? I say, therefore, that I reproach no man for it. We followed only the popular sentiment which prevailed in the world. But, sir, I think we have a right to complain, and it is the only complaint on this subject I have to make, that, if others have gone before us, if we have been outstripped in finding out that this system was wrong, those persons who have been thus fortunate will let us alone until we ourselves become sufficiently enlightened to concur in their opinion. This, we think, we have the right to ask; this is all we do ask.

I propose to enter into no ethnological inquiry about the unity of the races. My own opinion, my own judgment is, that we are all one—probably descended from a common ancestor; but that is very immaterial. We find men different on the face of the earth—as different as they would be if they were not descended from a common ancestor; but in relation to the African, no man in this House, and no man out of it, can say that there is any corner of this earth, upon which the African race are as well off, as well provided for, with more of the elements of happiness, than in the slave part of these United States. I assert it without the fear of contradiction. I know not from whence it has come; but this I know, that the Africans were slaves in the days of the Pharaohs; that nine out of ten of them are slaves in their native land; and that in no country of which I am aware are they received upon an equality with the white race. In confirmation of the fact which I have just stated, that nine out of ten of them are slaves in their own country, I beg leave to refer to an incident in Park's travels in Africa. In the year, 1796, after having visited the interior, when he returned to the coast of Senegal, finding no vessel bound for Europe, he took passage in a slaveship, bound for Charleston. In that ship there were one hundred and sixty Africans. Having been a year in their country, he understood their language, and was able to converse with them. He found that, of the whole one hundred and sixty, only four had been born free. The rest were slaves. If any man desires to know what is the state of slavery in Africa, let him read Park, and Lander, and the recent book of Captain Canot.

Many of the negroes at the South are intelligent, although they have not much mental culture—certainly very little that is derived from books. They are an improving people—improving in intelligence and in morals. I have no doubt that the time will come when God will work out his own problem in relation to Africa. Carlyle says, I think with some truth, that all the great events in the history of man have generally been produced by a single individual, or by but very few; that the great reformation in religion was produced by Luther; that Cromwell and his associates in England produced a wondrous change in the notions of mankind, in relation to civil and religious liberty; that a new impetus was given to this ball by the American Revolution, of which Washington was the chosen instrument of Providence to accomplish. Sir, for aught I know, it may be that, in the providence of God, in his own proper time, a deliverance will be worked out for this race. At present they are not fit for it, but they are going on in improvement, both mentally and morally. Of one thing I am sure—when that time arrives, some more fit instrument will be used than those who have now thrust themselves into this business, prematurely, and in a manner wholly uncalled for. I doubt very much whether Parson Beecher will be a chosen instrument in the hands of God for the purpose of effecting this or any other great and beneficial change in the affairs of mankind.

Sir, as I said before, I am not frightened by names. I am not alarmed by the fear that I shall be held up in some future fourth of July speech, or some college oration, or in the columns of some filthy newspaper, as the advocate of slavery. That has no terrors for me. I stand here to legislate for this country as it is. If the institution of slavery be an evil, to whom is it an evil? Is it to the master? What injurious effect does it produce upon him? Is he not as much of a gentleman, is he not as moral a man, is he not as pious and religious a man, is he not as distinguished for all the cardinal virtues as the people of any country on the face of the earth? If he is not, I have not found out the fact.

If it be an evil to the African, where, I ask, is his condition better? Is it in Africa? Let Park and the travelers in that country answer the question. Is his condition better in Hayti or Jamaica? Let those who desire correct information on that point go to some fountain of truth, and they will find it. I would recommend every man who embarks in this controversy with the hope of bettering the condition of the African, to read the letter of Governor Wood, of Ohio. On his way to his consulate in South America he stopped at Jamaica. Let any man read what he says, and compare it with what he may see at the South—not what he has read in Mrs. Stowe's novel—and he will find the truth of what I assert, that the condition of the African is better in our southern States than in any of those countries in which he has been emancipated.

I ask, further, is his condition better in the East? Is a free negro in New England as well off as a slave who has a good master? and nine out of ten, I believe I might say ninety-nine out of a hundred, are good masters. Let the facts speak for themselves. Look at the census. Although

emancipation has been going on, and fugitives have been flying to the free States, the census shows that, in the slave States, the slave population has increased infinitely beyond the increase of the free people of color, with all these appendages, in the free States. If you go to the records of pauperism and poverty, what do you find? You find that he is a being infinitely more degraded than the white man. In 1850, in the State of Massachusetts, with a population of over 900,000 white inhabitants, there were 389 convicts in her penitentiaries, and 47 black convicts out of a negro population of 9,000. In Connecticut, there were 146 white and 30 black convicts in her penitentiary. In New York, you find the same disproportion.

The result is, that in Massachusetts there is 1 white convict out of every 2,522 whites, and 1 black convict for every 262 negroes. In New York, there is 1 white convict in 2,056, and 1 black convict in 142. In Virginia, there is 1 white convict in 5,570, and 1 black convict in 11,600. I do not suppose that these figures present exactly a correct statement in relation to Virginia, for I suppose the slaves there are not punished in such a way as to exhibit in prison returns the full result of crime. I presume they are punished, as in South Carolina, in some summary way of which no special record is kept; but, so far as Massachusetts and New York are concerned, the question is settled beyond all controversy.

The rapid increase of population in the ordinary way is looked upon by all writers as one of the strongest evidences of the bodily comfort at least, of the subjects of it. Crime and pauperism are the fruits, not of comfort and independence, but of want and destitution. The fact, that in Massachusetts there is 1 white convict out of 2,522, and 1 black convict out of 262, exhibits a state of things, showing beyond all question that in those regions of boasted freedom the black man is in a sad condition.

I am sorry, sir, that necessity compels me to speak of the absent Senator from Massachusetts. I do not intend to use his own language, or to be unmindful of what is due to myself, but I have to speak of his facts. What could be the object of the wondrous tirade which we heard from him about freedom? Does he mean that, in the state of things which exists in this country, he thinks it desirable to turn loose three millions of Africans? If he does, he means what few people besides himself—few considerate people—would suppose to be practicable. The Senator from Massachusetts, [Mr. WILSON,] who is present, has defined his position. He disclaims any right to interfere with slavery in the States. It is a fair inference, as I have already remarked, that, though he is now restrained by the Constitution, he would do it if he had the power; but in that I may do him injustice. The other Senator from Massachusetts [Mr. SUMNER] has never, I believe, defined his position on this point. He has never said—in fact the contrary is to be inferred—that the Constitution affords us any guarantee. I suppose, then, (to borrow a manufacturer's term,) that he belongs to that *stripe* of the anti-slavery party who deny that the Constitution has guarantied slavery, and who contend that Congress has the power to abolish it, and is in duty bound to exercise the power as soon as it can. This is the doctrine of Garrison, and of some papers which are sent to me every day—among the rest, one called the Radical Abolitionist. If such be the Senator's views, I can only say that they are utterly impracticable. I shall not waste the time of the Senate in discussing such a scheme. If it is to be done on payment of the value of the slaves, $1,000,000,000 will not pay for them. If they are to be emancipated and sent to Africa, that sum will not pay the expense of their transportation and maintenance there until they are able to maintain themselves. If the object of that party be to emancipate them, and leave them in the States, it requires no sagacity to see what will be the result.

Sir, between the white man, North and South, and the black man, there is a deep, an impassable gulf. It is as manifest at the North as at the South. In 1847, I traveled through New England and New York. I was ten days in Boston and three weeks in New York. During all that time I never saw a negro at work. It is well known there that a white man will not work with him. This with some people is the objection to allowing slaves to go to Kansas. They say the white man will not work with the negro. If there be any man who in his senses believes that the negro's condition would be bettered by emancipation now, I have never met him, unless he be one of those whom I have seen and heard on this floor. I need not say, what is obvious to everybody who knows anything about the matter, that his condition would be infinitely worse.

If these declamations about freedom, and these commiserations for the poor negro's condition, have any meaning—if they are to result in anything, I should suppose they would result in something to better his condition. Now, will his condition be bettered? No man, I think, will rise here in his place and say that it will.

But another fruitful subject of declamation—the Senator from Massachusetts spoke largely about it—is, that we send little children to the auction block—that we part husband and wife. I can inform him that this act which he thus justly denounces is as much denunciated in the State of South Carolina as in Massachusetts. Sir, I live in a slave country; I live in a district in which the slave population exceeds the white by two thirds; and yet I affirm here, that I have never known an instance in which a separation has been made between husband and wife, or, as I have heard, mother and her children. If gentlemen will look at the census, they will see that by far the greater part of the slaveholders own from one to ten slaves. When you come, on the partition of estates, to divide that number between families, there must necessarily be some separation; but as to putting them on the block, and selling them to anybody who may choose to buy, I never heard of it; I never knew it; and I do not believe the popular sentiment in any part of South Carolina would tolerate it for a moment.

In this connection I may say that the man Legree, who has been held up as the model of a slaveholder, is no more a representative of the slaveholders of South Carolina, than a Mas-

sachusetts man, by the name of Knapp, is of the morals of Massachusetts. Knapp was the nephew of an aged and respectable old gentleman who had once been a member of the House of Representatives, who was eighty years of age, and in the ordinary course of nature could have lived but a few years. His nephew was so greedy to put his hands on his property that he hired an assassin to enter his chamber at midnight and murder the old man in his sleep. I quote not that as a model of Massachusetts morality, but it as fairly represents Massachusetts morality as this fellow Legree does the slaveholders of the South.

I am sorry to say—but it is necessary that I should say, that whatever opinion a northern man may entertain at home upon the subject of slavery, I have never known any qualms of conscience to disturb him when he came to the South, and succeeded to this kind of property, either by purchase, inheritance, or marriage. I have never known any man who came among us, no matter where he came from, who, if he removed into a free State, did not put the value of his slaves in his pocket, and go off with a quiet and peaceable conscience. I do not blame anybody for this. If what I have stated of the condition of these people when free be true, he would have done them an injustice by emancipating them. If he had carried them to New England or New York, the strong probability is that the penitentiary would have been their doom.

It is very easy to be humane at other people's expense. I have known two or three fellows who went from South Carolina to free States, and turned Abolitionists. I knew an exceedingly clever young man, as I supposed him to be, who removed to Mississippi, and there sold his negroes at $1,000 round. He went to Ohio, and the next I heard of him he was figuring there in an abolition meeting, very denunciatory of the slaveholders. There was another man who went from my State, who was a Baptist preacher, who had a large number of negroes. He sold them, and carried off his money; and the next thing we heard of him was an entire mailbag full of abolition pamphlets, sent by him to his friends in South Carolina. But, sir, he had the money for his slaves in his pocket, and he never disgorged it.

There is an extraordinary case connected with this subject which it is right that I should state. It has some peculiar significance. In the year 1839, a Mr. Ball, who was a rice planter on Cooper river, at the mouth of which the city of Charleston is built, took passage with his wife, who was a New England woman, and, as I have always understood, an exceedingly clever lady. It was the misfortune of this gentleman and his wife, that the steamboat in which they took passage, the Pulaski, was lost off the coast of North Carolina; she broke in two on the high sea; and, with the exception of three or four persons, all perished who were on board, and among the rest this gentleman and his wife. He left a large estate. Who was to get it? Mr. Ball had made a will, in which he made a large provision for his wife. The question was, did she survive him? If she died first, it was a lapsed legacy; if she survived him but for a moment, the legacy was hers, and would go to her heirs.

The case of which I am speaking is known as the case of Pell *vs.* Ball. Mr. Pell, who I believe lived in New York, had married a lady who was perhaps the sister of Mrs. Ball, or, at any rate, one of the heirs. He and the other heirs of Mrs. Ball filed a bill in the court of equity for the purpose of having the benefit of this legacy. The chancellor decided, on the evidence of a Miss Lamar, of Georgia, a very extraordinary young woman of unusual fortitude and presence of mind, that Mrs. Ball survived, and therefore these claimants, as her heirs-at-law, were entitled to the legacy. That settled the right; and the property, consisting of over one hundred slaves, was ordered by the chancellor to be sold by the master.

Another gentleman, who was equally entitled with Mr. Pell, attended the sale; and, as I learn by some papers which I have here—for I was not there on the day of sale—among the negroes to be sold was a negro man named Frank, with his family, consisting of a wife and eight children. It is the uniform order and direction of the court of equity, that negroes shall be sold in families. This negro man had been the favorite body servant of Mr. Ball. This other gentleman held some conversation with him on the day of sale. In that conversation it was understood that he promised the negro that, if he would consent to be sold separate and apart from his wife and children, he would provide for and take care of him. The woman and the children were put up and bid for by Mr. Lowndes, a brother-in-law of Governor Aiken, of the House of Representatives. He bought them, not for himself, but for his overseer. Under the impression that this contract was to be carried out in fairness and in good spirit, the negro man Frank was put up, and bought in by the agent of this other gentleman.

Everbody supposed that this was all right and fair; but, to the utter amazement of the people, within two or three days afterwards, this man Frank was offered for sale to anybody who would buy him. There was indignation expressed about it which this gentleman could not resist. He then sold him to Mr. Lowndes, but still must have fifty dollars for his profit. He pocketed his fifty dollars and his share of the proceeds of that sale, and he returned home. Now, if any one desires to know who that man was, the letter which I send to the Secretary's desk, and ask to have read, will disclose.

Mr. CLAY. Was he a northern or a southern man?

Mr. EVANS. You will learn that when you hear the letter read.

The Secretary read, as follows:

CHARLESTON, *June* 10, 1855.

MY DEAR SIR: Yours of the 4th instant, inclosing Mr. Tiffany's letter, has been received. The facts of the case of Mr. Albert Sumner are substantially correct as stated in Mr. Tiffany's note. In a conversation with Mr. Tiffany, when I had the pleasure of seeing him here in February last, alluding to the fanatical and political ravings of the Abolitionists at Washington, I expressed the opinion that they were actuated by political and sectional jealousy, and not by motives of philanthropy, and I incidentally mentioned that the instances of the separation of families, so often rhetorically described, was generally by the agency of foreigners, who were devoid of that sympathy which exists between the native-born slaveholder and the slave. In illustration of my position, I stated to Mr. Tiffany that the most inhuman and revolting case of the separation of families (recently and eloquently alluded to by the Hon. Charles Sumner, "to separate husband and wife, and to sell little children at the auction-block") that had ever come under

my observation in the course of an experience of upwards of half a century, was one in which Mr. Albert Sumner, the brother of the Hon. Charles Sumner, was chief agent.

[Applause, and laughter in the galleries.]

Mr. STUART. Mr. President, I insist that the Chair shall preserve order. If it is necessary to clear the galleries, I hope it will be effected for once, so that people may know what belongs to the proprieties of the Senate. If the Senate is to be turned into a theater, let us know it. I would be glad at this time if the Chair would exercise the authority which belongs to him to clear that part of the galleries from which the noise emanated.

Mr. WELLER. That would certainly be very unfair. There could not be more than two or three persons engaged in the disturbance, and I should hate very much to see the whole gallery cleared because there happened to be two or three disorderly persons in the Senate Chamber. It is rarely you will find so large an assemblage as this that does not contain some persons who do not know how to behave themselves If the applause had been a general thing, it would be proper to clear the galleries; but it was confined to two or three persons—not more than that—and I hope, therefore, that no notice will be taken of the matter, and that there will be no further disturbance in the Senate.

The PRESIDING OFFICER, (Mr. BIGLER in the chair.) The Secretary will proceed with the reading of the letter.

The Secretary continued, as follows:

Upon Mr. Tiffany's expressing much surprise, I told him that I was present on the occasion; that if at any time he should think proper to mention the fact, he might give me as his authority. Being referred to, I will, in conformity with your request, furnish you with the details as far as my memory serves me. In the winter of 1844, Mr. Albert Sumner became entitled by marriage to a distributive share of the estate of Mr. and Mrs. S. Ball, of this State, by a decree of the court of equity in the case of Pell and Ball. At a sale of the negroes, in pursuance of the order of the court, I was present, and remarked that Mr. Sumner was very active in the management and arrangement of the sale. Among the negroes was a man servant remarkable for his fidelity to his former master, who by the officer of the court was advertised to be sold, as is customary, with his family. Our friend, Mr. Charles T. Lowndes, proceeded to the sale with the intention of purchasing the aforesaid family, (for his overseer,) but to the surprise and indignation of Mr. Lowndes and the other bystanders, it was discovered that the father had been withdrawn and sold separately from his family, *by the direction of Mr. Sumner*, under promise, as was understood, of great indulgence in consideration of his past services. Under these circumstances he was purchased by Mr. Sumner or his agent at a moderate rate. But in a very short time afterwards he was offered for sale by Mr. Sumner to more than one gentleman at a *price much beyond* that at which Mr. Sumner had purchased him. But these gentlemen having refused to aid and abet a speculation so monstrous, and Mr. Sumner having ascertained that Mr. Lowndes had purchased the family, offered the servant at a *price beyond* that at which he had purchased him. Mr. Lowndes finally acceded, having the satisfaction of restoring the father to his family. It is a circumstance worthy of being mentioned that, in replying to Mr. Sumner, Mr. Lowndes, with the feelings which fill the bosom of a slaveholder who feels himself to be the protector and benefactor of his slaves, took the occasion of expressing, in a letter, (which he submitted to Colonel Ashe and myself,) his denunciation of the proceeding in terms that would have aroused a southern gentleman.

The above, as far as my memory serves me is a true and unvarnished account of the case to which Mr. Tiffany alluded. The circumstances are impressed upon my memory from the fact of my having been particularly acquainted with them at the time, having been in consultation with Mr. Lowndes, and as events which do violence to one's feelings are calculated to make an impression.

I will call upon Mr. Lowndes for a statement of the circumstances, as far as he recollects them, and I may probably delay this to go simultaneously with his.

I am, dear sir, with esteem and respect, yours truly,

WILLIAM B. PRINGLE.*

Hon. WILLIAM AIKEN, *House of Representatives.*

Mr. EVANS. On that letter I have no comment to make, and here I take my leave of the subject of slavery.

Sir, I have been at the North. I have seen much, very much, there to admire; I have seen some things that I should be glad my countrymen would avail themselves of. I doubt not, if northern gentlemen (I believe very few—none but invalids and commercial men—ever visit our country) would come among us, and see our institutions—if they were to see how practically this form of civilization operates there, very much of their prejudice would be removed.

There is nothing that I look upon with so much horror as the sectional jealousy which is fanning every day, and will shortly be fanned into a blaze, I fear, between the two sections of the country There is nothing that I could do, consistent with duty and consistent with honor, which I would not do to prevent it. I am no prophet; I would avoid, as far as I can, to look into the dark future which these things seem to indicate. I have often had occasion to say that I am a hopeful man; that I never look upon the dark side of things if I can possibly avoid it; but it is impossible that I should conceal from myself what the poet says, that

"Coming events cast their shadows before."

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* There are several other letters to the same effect.

FROM THE

HON. ROBERT M. T. HUNTER'S SPEECH,

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 24, 1856.

On motion of Mr. BUTLER, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 172) to authorize the people of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population.

Mr. HUNTER said: Mr. President, it was with deep regret that I first saw the announcement of the passage of those resolutions by the Legislature of the State of Massachusetts. I was concerned to see that great State interpose for the purpose of converting what seemed to me to be a personal dispute into the magnitude of a public quarrel. In the history of the two Houses of Congress since the institution of this Government, there have been many instances of personal collisions in which members have been engaged, arising out of words spoken in debate; but so far as I am acquainted with their history, this is the first case in which any State has interposed for the purpose of taking part in such quarrels. When Mr. John Quincy Adams, of Massachusetts, was President of the United States, his Secretary of State challenged a Senator from Virginia for words spoken in debate, and the quarrel thus made was not settled until two shots had been exchanged on the ground. The Legislature of Virginia did not interpose for the purpose of demanding of the Senate to protect the privileges of its Senator, or to shield him from the consequences of his speech; but, on the contrary, it was content to leave him to meet all his personal responsibilities, under the belief that he would be able to defend himself. There have been cases in which members have fallen at the hands of each other for disputes arising out of debates; and yet I know of no instance before, in which the Legislature of any State has stepped forward to prejudge the case, and to pronounce the sentence which is to be given.

I can see no consequence so likely to flow from this attempt, in the present instance, as that of exasperating the unfortunate sectional dispute which is now raging in the country. But, sir, that was not the only thing in these resolutions which excited pain and regret in my mind. I was concerned to see that, when the State of Massachusetts sat in judgment on this case, it had nothing to say by way of rebuke to its Senator for the offensive language which he uttered, not merely towards a majority of the members of this body, or towards certain individuals who were in it, but towards all the slave States, and particularly towards the States of South Carolina and Virginia. Not only did she have no word of rebuke to offer for such a speech—a speech which called out from the venerable Senator from Michigan [Mr. CASS] the declaration that it was the most unpatriotic and un-American speech he had ever heard on this floor—not only, I say, did she have no word of rebuke to utter for the offensive personalities of such a speech, but she actually indorsed and encouraged them, for she returned him her thanks for having made them; for in no other light can we regard her resolution "approving" of Mr. SUMNER's manliness and courage in his earnest and fearless declaration of free principles, and his defense of human rights and free territory.

Mr. President, so long as the attacks on my State emanated from a single individual, I had nothing to say. Virginia can live under the taunts of any individual, I care not who he be; and portentous indeed would be the day, if it should ever arise, when can be said, the

> "Falcon, tow'ring in her pride of place,
> Was by a mousing owl hawk'd at, and kill'd."

But when a State of this Confederacy comes forward to indorse the attack, and to thank the person who has uttered what I conceive to be a slander, it appears to me that I owe it as a duty to my constituents and to myself, as well as to others who may be concerned, to examine into the foundation upon which this accusation has been so unnecessarily and unprovokedly made against my State.

I pass over the personalities towards friends of mine on this floor—towards myself even, so far as I am included in that majority who voted for the Kansas-Nebraska bill, and towards the slaveholding States in the generality, to which I belong; and I come to the specific attack on the State of Virginia, which I understand the State of Massachusetts to indorse and approve. The Senator from Massachusetts, [Mr. SUMNER,] speaking of my colleague, said:

> "He holds the commission of Virginia: but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas."

The foundation upon which this accusation rests—and it has not even the poor merit of originality with him who has last made it, is the fact that slavery, and as a consequence of it the slave trade, exists in the State of Virginia—that is to say, slaves are not only held in bondage, but, being treated as property, it follows as a consequence that they are sold from one to another. These are the facts upon which the attack is based. The coloring in which it is dressed up depends on the fancy or the taste of him who may happen

to use the brush. I say it has not even the poor merit of originality, but it is a stale and hackneyed reproach in the cant of all the abolition newspapers. It was made by a distinguished scholar and rhetorician on the other side of the water, who assailed the States of Virginia and North Carolina for what he called the domestic slave trade—a man who, though distinguished for his felicity in picture writing, too often mars its effect by the extravagance of the coloring which he uses—I mean the celebrated Macaulay. The foundation on which this rests is, that owing to the fact of the juxtaposition of these two races on our soil, slavery has flowed from it as a necessary incident. These are circumstances of long standing, and for which we are no more responsible than those who accuse us. History proves that, so far as Virginia was concerned, this institution was fastened upon her against her remonstrance by the British Government. History also shows, and the Senator from Massachusetts confesses, the complicity of his State in his speech, that the slave was sold to us in great part by the men of Old England and New England; and surely the buyer could not have been more responsible than he who sold to him.

Now, sir, out of the fact that these races have been standing together side by side in great numbers in the relation of master and slave, it has followed that the happiness of both races requires that this relation should be kept up. This has been proved by the experience of the British Government itself; and if there were no such experience, it could be proved by any one who knew how to reason upon the principles of human nature. Turn them loose to-morrow side by side, and you would see the black race perishing in the fierce competition which would ensue with the superior and white race, which was dominant around it. You would see either that, or you would see that as they increased in numbers, and population began to press upon the means of subsistence, the white man would leave the country and abandon some of the fairest portions of this continent to the occupation of the negro. We know that from the experiment which has already been tried. I may say that human nature and the experience of States around us both teach us that, although the slave would be nominally emancipated, he would in fact be in far worse bondage than he was held before. He would have not one, but many masters; and instead of having some one person who was responsible for his protection, who was linked to him, as all persons are who inherit slaves, by the ties of a certain sort of family connection, he would belong to every white man, and nobody would be responsible for the treatment by which he was crushed. I say this is proved, too, by the experiment which has been tried by the English Government itself in the West India Islands. We know that if a similar experiment were tried here, its effect would be to substitute barbarism for civilization, and that the wilderness and waste would begin to encroach at once upon the cultivated field.

We know, on the other hand, that under this institution of slavery we can present more than three millions of African negroes who exhibit a greater degree of progress and improvement, of happiness and virtue, than the same number of that race who can be found under any other Government or in any other clime. I say, then, that we can point to all these things to prove, and to show, that the holding of these men in bondage is the necessary result of those circumstances which originated out of the action in part of Old England and of New England herself. Now, if we can show that the preservation of this relation inures to the benefit both of the white and the black race, and that to destroy it would effect a cruel injury to each, do we not show what justifies us in holding them in that condition? Do we not give reasons which prove that it is our duty to do so?

By what right, then, does any man reproach us for doing that which places the society of our country in the very best possible position? Sir, the statesman is not responsible for not attaining the greatest ideal good. He is responsible for not doing the best under the circumstances; and he who has done that has discharged his full duty to his race and to his principles. Are we to say, we will put down any organization, social or political, in which we find individual cases of evil and injustice? What social system or institutions would stand?—what government on the face of the earth could endure for a minute, under such a doctrine? We know that in the great scheme of creation itself, framed by an all-powerful, all-wise, and all-good Being, evil exists. He permits it, and why, we do not understand; but he does not destroy the works of his creation on this account. We know that, in any form of society which could be organized, evil must exist; and to reproach a statesman or a people because in their institutions they may not have attained perfection, is to demand of them more than is possible for human nature. All that they can be required to do is what is best under the circumstances. He who demands more, and makes war upon all Governments in which more is not effected, is an enemy of his race, and a disturber of the peace of mankind—a man to be ranked, not with the statesmen, but with the madmen of the world.

Now, sir, I ask if both reason and experience do not prove that to retain these two races in that relation on our own soil is the very best thing which can be done for them? But, Mr. President, the mischief of the attempt to turn these slaves loose, for the not doing of which we are thus reproached both abroad and at home, would not be confined to the two races on our soil; it would extend to those very countries which hurl these reproaches at us, and to the whole civilized world. There are probably as many people outside of the slave States who derive profit and existence from the proceeds of slave labor, as are to be found within them. On the great staple of slave-grown cotton, it is now estimated that nearly, or quite, three million British subjects depend for their subsistence. I take this from the recent declaration of the Manchester Peace Society, and I have seen a similar declaration before. When we come to add the number who depend on the other slave-grown staples, not only in Great Britain but in all Europe, and in the free States of our own Confederacy, we should find, I believe, that there were more depending for their existence on the institution of slavery, and its profits, outside of our slaveholding States than within them. We

should find, probably, if we could pursue the inquiry strictly and accurately, that Massachusetts herself is more interested in the profits of slave labor, and subsists a larger number of people upon it, than do, perhaps, the States of Maryland or Missouri, or even some other slave States which I might enumerate.

Not only this; but those who thus make slavery profitable by creating the demand for the products of slave labor, are as much responsible for the institution as we are who own the slaves. The deadliest blow that could be dealt to slavery would be to refuse to receive the products of slave labor. Do that, and you destroy the demand which makes it profitable. Do that, and, so far as Old England or New England are concerned, you would do it at only a pecuniary expense; but it would cost us not merely money, but our social and political happiness. They could do that at a mere pecuniary expense; but will they do it, or have they done it? Why, sir, it is a little remarkable that, in this very philippic which Macaulay uttered against the institution of slavery in Virginia and North Carolina, he was engaged in the work, in which he succeeded, of repealing the discrimination against slave-grown sugar, which had been made for the benefit of their own colonies, upon whom they had forced emancipation. He not only made it to force the repeal of that discriminating duty, but he succeeded; and England did repeal it, notwithstanding the obligations which she owed to her colonies, on whom she had forced this harsh measure, to give them, at least, that advantage in her own markets.

If we examine the history of the institution, we find, as I have just endeavored to show, from its commencement to the present period, that those who now reproach us are as responsible as we. In the first instance, they sold the slave and we bought him. Now, we sell the products of his labor and they buy it. The complicity is the same; the process is reversed. It has been said, sir, and well said, that the judgment of him was to be commended,

> "Who sent the thief that stole the gold away,
> And punished him who put it in his way."

Upon that principle, I submit that, if there be guilt and if there be wrong in maintaining this relation, they are as responsible for it as we are. But in point of fact there is no guilt either in the one or in the other. The wrong is in converting that into a matter of reproach against us which is not properly the subject of reproach, and for which, if it were, they are as much responsible as we are.

Mr. President, it is said that slaves are sold as chattels and as property from one to another in the States in which the institution is tolerated. I know that this presents a splendid field for declamation; and if I had not known it before, I should have known it after following Macaulay in his display upon this subject. I know that individual cases may be selected, some of which are real, and some of which are imaginary, in which hardships and misery may be shown; but notwithstanding all that, I say the practice of selling them from one to another, and the slave trade itself, is the very safety-valve of the institution, so far as both races are concerned, in the South. It is owing to this that the slaves have been able to make the progress which they have done. It is through this process that they acquire the means and facilities for emigration which are necessary for the improvement of every race that has ever made any improvement in the history of man. The stronger races satisfy this necessity of their condition by armed emigration; the weaker are made to do it by forced emigration; and history shows that the African has performed his share of that process, from an age beyond the date of the pyramids, in the caravan of the slavetrader. Some of the very routes which he then traveled are pursued by him now for the same purposes and objects as if they had been traced out for him by some inexorable law of nature.

We know from experience that in the southern States it is this which has mitigated the institution and ameliorated his condition; because it is under this, that, when population begins to press on the means of subsistence, he is removed from a place where his labor pays but little to one in which it pays more, not only to the master but himself. Although it may seem to be hard that he should be thus forced to emigrate at the will of another instead of his own, yet, when we come to scrutinize closely the process, we find that the line of emigration which he pursues according to the laws of trade, is precisely that line which he would take if he were to follow only his own interests. Should we not find, if we were to examine it, in the history of the emigration of whites, as many individual instances of misery and suffering, as many cases of separation between members of the same family, as we do amongst the slaves who are thus sold from one State to another? I believe that, if we could trace the matter, we should find that the emigration from the Sutherland property, in Scotland, (Mr. Macaulay's own country,) was as involuntary in its movement and as sad in its consequences to those who made it, as any that ever took place from Virginia or North Carolina to the cotton States south of them. In the crowded population of the Old World, I believe we could find instances of emigration forced by circumstances which would harrow the heart fully as deeply as any that could be referred to in our States.

Why, Mr. President, under the operation of this trade, the effect has been that the moment the negro's labor becomes cheap in one region, and he gets a smaller share of the profits of his labor, he is transferred to another where the profits of his labor are greater, and where, of course, he gets a larger share, and where, in the end, he receives more consideration. Stop that trade to-morrow, and I believe you would inflict the greatest curse on the slave in the South that could be inflicted upon him. Pen him up in the old States, and the consequence must be, either that he must perish under the sufferings of a collision with the stronger race, when population presses too hard upon the means of subsistence, or else the whites will abandon the country, and leave it to the negro and his original barbarism.

Under these circumstances, if this process be one of relief and amelioration to the slave, I ask how is it that it should be the subject of so much reproach to those who permit it, and who find it necessary for the improvement of this very race that they should do so? If in truth it did deserve the reproaches which have been cast upon it—

if in truth Virginia did accusations deserve the which have been thus made, I ask if it lies in the mouth of Old England, and New England, to utter them? I ask if it was out of their quivers that she had a right to expect such an arrow to be directed at her? Have I not shown that they were as responsible as we for the circumstances which make this institution necessary; that if we were the buyers they were the sellers; and that if we sell the product of slave labor they buy it, and contribute their full share to the maintenance of the institution? If they would destroy all trade from which there may be possible evil, why do they continue this, upon which the institution of their attacks depends for its existence?

Sir, in regard to Massachusetts, she was not only glad to receive our assistance in the Revolution, when we both held and sold slaves, but she was willing to admit us into the same family with herself. The men of that day—the men of the revolutionary generation who covered the name of Massachusetts with glory, the generation which produced the heroes of Concord, and Lexington, and Bunker Hill, and gave birth to the sages that illustrated the revolutionary councils, was not only willing but glad to receive Virginia into a family alliance. They were willing to enter into an association by which they bound themselves to put down insurrection in the States—by which they bound themselves to give a certain representation for the slaves—by which they bound themselves to restore the fugitive slave. And here it is to be remembered, that the covenants which they entered into the men of that day always kept. Under these circumstances, after they invited us into that family alliance, I ask if it is fair, if it is rightful, if it is honorable in their descendants to use the common Hall provided for our common deliberations for the purpose of abusing and vituperating us on account of that very state of things of which they had knowledge and cognizance when they entered into this union with us? I ask if they are not estopped by their own deed?

Now, Mr. President, we hear a new doctrine. We are told that the men of the present day are not to be held responsible for the men of that generation, which is branded by one of their descendants with turpitude. It is the Senator from Massachusetts who says, "Is the acknowledged turpitude of a departed generation to become an example for us?" Thus they are not content with hurling accusations against us, but they brand with turpitude the memory of their ancestors who entered into those bonds by which they became members of the great family of States, to which Virginia, too, belongs. Sir, if I am to choose between the generation which gave birth to the heroes and sages of whom I have spoken, and the men who now cast shame on their graves, I say, let me rather commune with the memories of those than walk in the living presence of these. If I am to choose between those heroes and sages, as I said before, who entered into a covenant to restore the fugitive slave, and who kept it, and these latter-day saints, who, whilst they claim all the benefits of the bond for themselves, refuse to execute their part of the compact, because they have discovered some law of higher obligation, which dispenses with the obligation of their oaths to support the Constitution, and discharge its duties, I say, let me associate with the men who made that covenant, and kept it, in preference to those who are breaking it. If I am to choose between the generation of men who, under the guarantee of treaties, under the sanction of laws, transferred the African from a worse to a better condition, and those who, in violation of law and of the Constitution, steal away the southern slave, and transfer him from a better to a worse condition, let me live with the first rather than with the last. If we have enjoyed the respect and affection of that generation which covered the name of Massachusetts with glory, we may live under the taunts of those who strike at the very memories of their fathers, because it is only through them that they may aim a blow at us.

Turpitude, sir! to talk of the turpitude of the generation of men who gave to Massachusetts the fair inheritance of glory which some of their descendants are now wasting so rapidly! When I hear such charges, I pause before the majesty of the silent shadows of those mighty dead, and wonder that a voice is not given to them to speak to those of their descendants who are thus violating their engagements, trampling on their ancient friendships, and casting shame on their names and graves. But, sir, why do I wonder? If such a voice could be evoked from the tombs, and were it to charm ever so wisely, it would fall unheeded on the ear of the fanatical Abolitionist. He will not hear Moses and the Prophets; nor would he hear their voices, even if they could be permitted to speak to him.

But these are not the only charges. We are told of the dungeon to which the pious matron is consigned in Virginia who teaches the slave to read. Sir, I have seen in the State of Virginia thousands of slaves who could read and write; and if there ever was any matron, pious or otherwise, who was imprisoned for teaching them, I have yet to hear the history of the case. I have never known such a case; I do not believe that one exists. I think I have been told, that in one of the States of this Union there is a law making it penal to keep Christmas; but does any man suppose such a law has ever been enforced within the last quarter of a century? Suppose it were so; suppose some such enactments as these charged upon Virginia were to be found upon our statute-book, who are responsible for them? Are not those responsible who say to us, "Educate your slave at your peril; give him light and intelligence if you dare; and, if you do, we will make these gifts the means of applying the knife to your throats, and the torch to your dwellings?" Are not these the persons who would be responsible, and not we, if such things were to be found on the statute-book? I will say, however, not to them, not to those who have nothing to do with it, but to my countrymen in the South, that I believe it is our duty to remove whatever may cumber unprofitably the statute-book, whatever is improper or unjust. I believe that the progress of light and intelligence in both races is not incompatible with the institution of southern slavery. I believe that we are responsible for the happiness of all who are committed to our charge, whether they be white or black; and I say, let us do right in despite of the Abolitionist, however he may throw himself in the path of the improvement of the slave. We are strong enough within the

Union, or without the Union, to defend ourselves, and with the blessing of Providence let us do right, and leave the consequences to God. To him who intrudes his opinion upon us—to him who has no right to make an inquiry as to our domestic affairs, I have only to say, "There is the southern slave; he speaks for the institution of slavery in our section; produce to us the same number of African negroes in bondage or otherwise, and in any other country, who have made the same progress in improvement, and then we may acknowledge your right to reproach us; but, until you do that, we are entitled rather to the voice of approbation.

Mr. HUNTER then proceeds to defend Virginia from the aspersions cast upon her by the Senator from Massachusetts, and remarks upon that part of the Massachusetts resolutions—

"In which she undertakes to sit in judgment on a case here pending, and not merely to request her Representatives, and to instruct her Senators, as other States do, but to "demand" of us that we should carry out her *fiat* and execute her judgment."

He, also, considers, at length, the question whether the assault of Mr. BROOKS upon Mr. SUMNER was a breach of privilege of the Senate, and says, that, though in the outset inclined to think it such, upon mature consideration, he does not "believe that, so far as we are concerned, it was a breach of privilege." In support of this opinion, he sites numerous precedents of American decisions sustaining his views, and continues:

I say then, sir, that, so far from being governed by law in the course which we have taken, I respectfully suggest that we have departed from the true view of the power which the Constitution has given us; that we have acted upon the false light of precedents, whose principles do not apply to our case; and that we have made a mistake in the course which we have pursued. At any rate, I will say that surely we have no right to invoke the exercise of an arbitrary jurisdiction of any extreme discretionary power which may be lodged in the other House. We know that the free States of this Confederacy constitute a majority of it. Suppose they were all of them to act in the spirit of these Massachusetts resolutions; suppose they were to encourage their Senators to insult the members from the slave States; suppose they were to say: "If this is resented, you must expel him if you can find two thirds to do it; and if you cannot, you must annoy him by the power of your majority until you make his seat intolerable to him:"—I ask, under such circumstances, how long would it be before there would be a dissolution of such an assembly? I ask, what southern man would be willing to sit here if he was thus to be governed by such a power, exercised in such a manner?

Mr. President, I know it may be said, on the other side, is there not danger that freedom of speech will be abridged, if men undertake to resent or punish its excesses? I admit that evils may occur on that side, but not so great on that horn of the dilemma as on this; because it is always to be remembered that, in the other alternative, the courts of law are open, where you may sue by private action for damages, where you may indict for assault, and where the court has power and jurisdiction to punish for the offense, in either person or property; so that there is a full remedy and an impartial tribunal for any such injury. Besides that, we must further remember that one man is about as able to defend himself as another is to assail him, and that in such contests there are two to be engaged, so the probability is that, in the end, no very great mischief can ensue. At any rate, if scenes did occur which were to be deplored, if events did take place which were to be condemned, still we know there is not near so much danger on that side as there would be in employing the arbitrary and discretionary power of the House, vested in it only for extreme occasions, in cases where the judgment might be attributed not so much to the sense of right as to sectional feeling, or to party bias. I think that, under such circumstances as these, it is always best to transfer such feuds from the Houses of Congress to the courts of law—from a tribunal which must of course be, to some extent, prejudiced and partial, to one which is unprejudiced and impartial.

I give this counsel for the sake of peace. I advise such a measure, as one which seems to me to afford a solution by which we may escape from some of those difficulties that seem to threaten us with so much exasperation and strife. I believe that the merits of the whole case may thus be reached, and thus, too, we may save ourselves from the agitation which, rely upon it, is doing great mischief here and abroad. I think the Senate ought to reverse its position. Indeed, it would be but acting under the precedent in the case of Gunn, (a Senator who challenged a member of the House of Representatives,) if we were to withdraw our application after the apology of the member from South Carolina. In that case the proceedings were dropped the moment the Senator declared his contrition for what had happened. I believe that if this were done here, and the case were left to the courts, we should save both Houses from a scene of strife and exasperation which every patriot and every lover of his country must deplore.

Suppose that two foreign nations were mutually to instruct their representatives to insult and abuse each other: how long would peace be maintained? Suppose that the members of the same family were to use their opportunities of daily intercourse for the purpose of mutual vituperation: how long would harmony exist? Suppose that States which belonged to the same Union should use the common hall of their deliberations for the purpose of mutual crimination and recrimination: how long would that Union be maintained? Sir, "in the letter which killeth" it might endure for a while, but in "the spirit which giveth life" it would soon be gone and lost forever.

Now, sir, I ask if these are not considerations which should be impressed upon all? Our institutions rest not upon parchment securities, but upon the broad basis of public affection. Who shall measure the crime of him that disturbs the waters of the stream of public opinion which to us are the very waters of life—of him who troubles the stream at its fountain that he may defile it through the whole length of its course, until we

turn loathing away from its waters, although our thirst may be almost unto death itself? Sir, the laws and the Constitution and the ordinances of our country, to have efficient force and life and being, must be engraved upon the hearts of the people. Once erase or obliterate that inscription, and it will not be long before the lawgiver himself, in some fit of exasperation, will shiver into fragments the tablets upon which they are written, as mere unspeaking stone.

In view of all these circumstances, does it not behoove us to do something to appease this strife, to settle these difficulties, to allay this bitterness? Who could have the heart, at such a moment as this, to engage in the work of crimination and recrimination amongst the States of the Confederacy? We all belong to the same family, and the character of the whole family is disparaged if we injure the reputation of one of its members. What pleasure or what profit should I derive by injuring the reputation of Massachusetts? by dimming the luster of her revolutionary glory? by taking a leaf from that chaplet of immortal flowers with which she is crowned? Sir, so far as I am concerned, instead of taking one stone from the Bunker Hill monument, I would add another to it. Let it tower to the skies, bearing upwards from earth to heaven whatever message of love and admiration may be transmitted from the living to the dead. Let it stand through the flight of ages, and carry down the story of those men and their deeds to the last syllable of recorded time. I will raise no sacrilegious hand against a single stone on that altar; and if there be any who has a heart for such a deed, he can find no sympathy from me.

Who can have the disposition to disparage the reputation and the military glory of any of the Old Thirteen? If there be any man who can have a heart for such a work, he can have but little feeling in common with me. I will not aid in such a work. What materials are these that we are collecting for history? What weapons are we placing in the hands of those who wish us ill, and who delight in every opportunity to disparage ourselves and our institutions?

Mr. President, it has been said by wise and good men, "give us peace abroad." I sympathize with them in that wish; but it may not always be in our power to secure that peace. It may require the will of another as well as of ourselves; but I say, give us what we can secure if we choose—give us peace at home. We want its opportunities to work out our destiny, and to crown with the glory of success the most wonderful experiment in human happiness that has ever been attempted in the history of man. We must have peace at home if we would wish to inspire either fear or respect abroad. Is there nothing in the condition of things around us—is there nothing in the condition of things abroad, to induce us to do something to compose these differences, to allay this excitement, to settle these feuds? Can any man reconcile it to his conscience to feed high the hot fires of sectional strife on such an occasion as this? Are the doors of our Chamber, are the doors of the Congress of the United States, like those of the temple of Janus, to be opened only for war, for civil war, for domestic strife? or may we not rather close them upon such scenes, or else open them to send forth once more the message of peace and good will, and to proclaim throughout the land a vow to devote ourselves to the common good of a common country, and to bury, as far as we can, the recollection of these unhappy disputes?

Mr. President, I do believe that the time has arrived when we should look at the state of circumstances around us, coolly and dispassionately, and when every man should come to the settlement of these differences with the will to sacrifice much of feeling, anything of the pride of opinion, everything that he can, consistently with duty and conscience, to settle and quiet them. Senators, I say to you that you hold in your hands the issues of life and death to this mighty Republic, to this great Union. On your souls, I charge you to take heed how you deal with them.

Printed at the Office of the Congressional Globe.